

F-22 AIRCRAFT FORCE DEVELOPMENT EVALUATION
AND WEAPONS SCHOOL BEDDOWN,
NELLIS AFB

Final
Environmental Impact Statement

OCTOBER 1999

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COVER SHEET
FINAL ENVIRONMENTAL IMPACT STATEMENT
COVERING THE PROPOSED F-22 AIRCRAFT FORCE DEVELOPMENT
EVALUATION AND WEAPONS SCHOOL BEDDOWN, NELLIS AIR FORCE BASE

- a. *Responsible Agency:* U.S. Air Force
- b. *Cooperating Agencies:* None
- c. *Proposals and Actions:* This Environmental Impact Statement covers two alternatives to address the need to provide for the beddown of Force Development Evaluation program and Weapons School for the F-22 Raptor, the U.S. Air Force's next-generation, air superiority fighter. The two alternatives consist of No-Action and the Proposed Action to beddown (station) 17 F-22 aircraft and implement the F-22 program into the existing Operational Test and Evaluation and Weapons School institutions at Nellis Air Force Base (AFB), Nevada. Under the No-Action Alternative, which is the Air Force's Environmentally Preferred Alternative, the proposed beddown and its associated construction and personnel actions would not occur at Nellis AFB. Likewise, the F-22 Force Development Evaluation programs and Weapons School would not be implemented at the base. The Proposed Action, which is the Air Force's Preferred Alternative, would involve (1) basing 17 F-22 aircraft at Nellis AFB in three phases between 2002 and 2008, (2) establishing the F-22 Force Development Evaluation program at the base in 2002 and the Weapons School in 2008, (3) constructing or externally modifying eight on-base facilities and internally modifying two buildings to support the F-22 program, a military construction program totaling approximately \$25,000,000, (4) adding 367 personnel at Nellis AFB, (5) conducting a maximum of 4,472 sorties from Nellis AFB, of which 4,300 would use the Nellis Range Complex (NRC), and (6) conducting ordnance delivery activities using air-to-ground Joint Direct Attack Munitions, and any other air-to-ground munitions capable of being employed by the F-22, on approved targets within the Nellis Air Force Range and releasing chaff and flares in approved airspace.
- d. *For additional information:* 99th AWFC/Public Affairs, c/o Mike Estrada, 4370 North Washington Blvd., Suite 223, Nellis AFB, NV 89191-7078, (702) 652-6552 or Don Kellogg, HQ AFCEE/ECP, 3207 North Road, Brooks AFB, TX 78235-5363, (210) 536-4183.
- e. *Designation:* Final Environmental Impact Statement
- f. *Abstract:* This Environmental Impact Statement has been prepared in accordance with the National Environmental Policy Act to analyze the potential environmental consequences of the proposed F-22 beddown at Nellis AFB and the No-Action Alternative. The findings indicate the F-22 beddown would not adversely impact airspace management, air quality, safety, hazardous materials and waste, earth and water resources, biological resources, cultural resources, transportation, recreation and visual resources, socioeconomics, or land use. The F-22 beddown would result in increased noise. The proposed F-22 beddown would increase the number of people affected by aircraft noise greater than 65 DNL who live around Nellis AFB by about 6,250. An estimated 3,715 of these people are minorities and 2,665 are low income. Approximately 95 percent of these people live in areas zoned by Clark County for land uses compatible with noise levels of 65 DNL or greater. Noise levels of 65 DNL or greater under the Proposed Action would disproportionately affect minority and low-income populations according to environmental justice guidelines since the proportion of minority and low-income people within the affected area are higher than the proportion in the county. The Air Force will continue to employ noise abatement procedures to reduce noise effects in the surrounding communities and assist local officials who seek to establish or modify noise attenuation measures for residences. For Nellis Air Force Range and the encompassing NRC, flight and ordnance delivery activities proposed for the F-22s would have negligible changes to current conditions. There would be no perceptible change to subsonic noise levels. Sonic booms would increase by 4 to 6 per month within the Elgin and Coyote Military Operations Areas in the NRC, and by less than 1 per month in all other authorized airspace in the NRC. Supersonic activity would increase noise on lands under the approved NRC airspace by 1 to 3 CDNL and overall noise by 1 DNL. Emissions of federally and state-regulated criteria air pollutants would not adversely affect air quality in the Las Vegas Valley or under the NRC. Clark County and the Las Vegas area are currently in nonattainment for carbon monoxide (CO) and particulate matter (PM₁₀), so *de minimis* thresholds for these pollutants are 100 tons per year for CO and 70 tons per year for PM₁₀. The F-22 beddown would not exceed these thresholds or exceed regional significance levels, generating a maximum of 89 tons per year of CO and 6 tons per year of PM₁₀. No conformity determination is required. There are no significant cumulative impacts from the interaction of the F-22 Force Development Evaluation and Weapons School beddown with other reasonably foreseeable actions.

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1.0 SUMMARY

This Final Environmental Impact Statement (Final EIS) describes the potential environmental consequences resulting from a U.S. Air Force (Air Force) proposal to base (beddown) F-22 aircraft and to implement Force Development Evaluation program (FDE) and Weapons School (WS) at Nellis Air Force Base (AFB), Nevada. This Final EIS was prepared by Air Force Headquarters Air Combat Command (HQ ACC) in accordance with the National Environmental Policy Act (NEPA), the Council on Environmental Quality (CEQ) regulations implementing NEPA, and Air Force Instruction (AFI) 32-7061 directing all Air Force NEPA efforts. In conformance with these laws, regulations, and instructions, this Final EIS consists of:

- A summary (Section 1.0) describing the Proposed Action and alternatives, including the Air Force's Preferred Alternative, the public comment period and comments on the Draft EIS, and management actions designed to reduce potential environmental effects.
- Presentation of all oral and written comments received during the public comment period for the Draft EIS (Section 2.1) and Air Force responses to substantive comments (Section 2.2).
- Errata and clarifications (Section 3.0) designed to rectify minor errors found in the Draft EIS or to provide explanatory information that enhances understanding of the Draft EIS. Neither the errata nor the clarifications alter the conclusions presented in the Draft EIS regarding environmental impacts.

This Final EIS should be used in conjunction with the Draft EIS. All substantive descriptions, data, and analyses presented in the Draft EIS are incorporated by reference into this Final EIS. The errata and clarifications represent the only changes to the Draft EIS. As described in Section 3.0 of this volume, the errata and clarifications are directly correlated to sections, pages, paragraphs, and lines in the Draft EIS.

1.1 PROPOSED ACTION/PREFERRED ALTERNATIVE AND NO-ACTION ALTERNATIVE

The EIS assessed two alternatives: the Proposed Action and No-Action. Nellis AFB and the associated Nellis Range Complex (NRC) were found to represent the only location determined as reasonable to fulfill the purpose and need for the action.

PROPOSED ACTION/PREFERRED ALTERNATIVE: The proposed beddown would allow for the development, testing, and teaching of combat capabilities the F-22 would use in war. The Proposed Action, which is the Air Force's Preferred Alternative, would involve the following:

- Basing 17 F-22 aircraft at Nellis AFB in three phases occurring in fiscal years (October through September) 2002 (6 aircraft), 2003 (2 aircraft), and 2008 (9 aircraft);
- Implementing the F-22 FDE program at the base in 2002 and the WS in 2008;
- Constructing or externally modifying eight on-base facilities and internally modifying two facilities to support the F-22 programs;
- Adding 367 personnel at Nellis AFB;

- Conducting an additional 4,472 annual sorties from Nellis AFB by 2008, of which 4,300 would use the NRC and 172 would occur at remote ranges; and
- Testing ordnance delivery on approved targets and releasing chaff and flares in approved airspace.

In compliance with CEQ regulations for implementing NEPA, the Air Force has identified the Preferred Alternative in this Final EIS. For the reasons outlined below, the Proposed Action is the Preferred Alternative. The proposed beddown would fulfill the defined purpose and need for the action. The Proposed Action would comply with Federal law, as well as Department of Defense and Air Force policy, which require the Air Force to conduct FDE testing of the F-22 aircraft and provide WS training for F-22 pilots. Beddown of F-22 aircraft at Nellis AFB and use of the unique assets offered by the NRC for testing and training meet the operational requirements of both the FDE program and WS. Nellis AFB and the NRC provide the military airspace, secure training ranges, range instrumentation and simulated threats, professional expertise, and infrastructure needed to implement the FDE program and WS for the F-22.

NO-ACTION ALTERNATIVE/ENVIRONMENTALLY PREFERRED ALTERNATIVE: Under NEPA, "No-Action" means that the Proposed Action would not take place, and the resulting environmental effects from taking no action would be compared to those resulting from the Proposed Action. For this EIS, the No-Action Alternative means that no F-22 beddown would occur at Nellis AFB, no on-base construction or personnel increases associated with the F-22 would be implemented, and the FDE program and WS for the F-22 would not use the NRC. The No-Action Alternative is the Air Force's Environmentally Preferred Alternative because it would result in no environmental impacts beyond baseline conditions. In comparison to the Proposed Action, the potential environmental consequences of the No-Action Alternative would be less.

1.2 PUBLIC AND AGENCY INVOLVEMENT

PUBLIC INVOLVEMENT: AFI 32-7061 and CEQ regulations require an early and open process for identifying significant issues related to a proposed action and obtaining input from the public prior to making a decision that could significantly affect the environment. These regulations specify public involvement at various junctures in the development of an EIS, including public scoping prior to the preparation of a Draft EIS and public review of the Draft EIS prior to preparing and publishing the Final EIS. A decision is made only after completion of the Final EIS and following a 30-day waiting period.

Prior to the publication of the Draft EIS, the public involvement process included publishing the Notice Of Intent in the *Federal Register* on August 11, 1997. After public notification in newspapers and through radio stations, three scoping meetings, averaging 3 hours in duration, were held August 26 through August 28 at the following southern Nevada locations: Tonopah, Las Vegas, and Caliente. A total of 22 people attended the meetings. Of these 22, seven people provided oral input. By the end of the scoping period, September 30, 1997, 13 written comments had been received. The Draft EIS summarizes the issues raised during scoping.

Following these scoping meetings, the Air Force prepared the Draft EIS and made it available to the public and agencies for review and comment. Official public notification commenced with the publication of the Notice of Availability (NOA) on June 18, 1999 in the *Federal Register* and the *Las Vegas Review-Journal*. Over 340 copies of the Draft EIS were sent to federal, state, and local agencies, Native American organizations, special interest groups, and citizens. The document was sent to those in the public who requested a copy and was made available at selected public facilities such as libraries and local government

agencies within southern Nevada. The public review and comment period for the Draft EIS lasted 45 days. During this time, hearings were held to provide an opportunity for the public to evaluate the proposal and the analysis contained within the Draft EIS. Public hearings were held in three Nevada communities potentially affected by the proposed action: Las Vegas, Caliente, and Tonopah from July 13 to July 15, 1999. The public was notified of the hearings through newspaper advertisements placed in the following: *Las Vegas Review-Journal*; *Tonopah Times-Bonanza and Goldfield News*; *The Lincoln County Record* (Caliente area); and *The St. George Spectrum* (west/central Utah). Advertisements supplying the time, date, and location were placed at least one week prior to the hearing dates to ensure proper public notification.

A court reporter officially recorded comments and transcribed all communication during the presentation and public testimony at the hearings. Twenty-nine people attended the three hearings with nine people providing oral testimony and three submitting comment sheets. The Air Force received ten written comments during the public comment process. The closing date of the comment period was August 2, 1999.

Comments received at the public hearings and during the comment period are addressed in this Final EIS (Section 2.1) and provided to the decisionmaker for consideration. The Final EIS also includes responses to these comments (Section 2.2). After publication of the Final EIS and a minimum of 30 days of review, the Air Force may publish a Record of Decision.

AGENCY CONSULTATION: Both NEPA and CEQ regulations require intergovernmental notifications prior to any detailed statement of environmental impacts. Through the process of Interagency and Intergovernmental Coordination for Environmental Planning, concerned federal, state, and local agencies (such as the U.S. Fish and Wildlife Service [USFWS], Bureau of Land Management [BLM], Nevada Division of Environmental Protection, and the Nevada State Historic Preservation Officer [SHPO]) must be notified and allowed sufficient time to evaluate potential environmental impacts of a proposed action. For the F-22 EIS, this was accomplished in four ways: (1) agencies were contacted early in the EIS process via letters to solicit their comments on the Proposed Action and No-Action Alternative, (2) the Air Force conducted scoping meetings, (3) the Air Force sent copies of the Draft EIS to federal, state, and local agencies, and (4) the Air Force held three public hearings as described above. Comments from agencies on the Draft EIS are summarized below and addressed in Section 2.2 of this Final EIS.

GOVERNMENT-TO-GOVERNMENT CONSULTATION: Several laws and regulations address the requirement for federal agencies to notify or consult with American Indian groups or otherwise consider their interests when planning and implementing federal undertakings.

On April 29, 1994, the President issued the *Memorandum on Government-to-Government Relations with Native American Tribal Governments*, which specifies a commitment to developing more effective day-to-day working relationships with sovereign tribal governments. The intent of this memorandum has been incorporated in the *Department of Defense (DoD) American Indian and Alaska Native Policy* and Executive Order 13084, *Consultation and Coordination with Indian Tribal Governments*, which the Air Force is following. The *DoD American Indian and Alaska Native Policy* supports tribal self-government and government-to-government relations with the Federal government. It specifies that DoD will meet its trust responsibilities to tribes and will address tribal concerns related to protected tribal resources, tribal rights, and Indian lands. The policy also addresses procedures for building stable and enduring relationships with tribes.

As part of the NEPA process, 17 tribes and one organization with historical ties to the land in the NRC vicinity were notified at the initiation of the EIS effort, sent copies of newsletters, fact sheets, and the Draft

EIS, and briefed at the Native American Interaction Program meeting in June 1999. Discussion of the F-22 is part of an ongoing government-to-government consultation between Nellis AFB and these tribes. This ongoing consultation is directed through the Nellis AFB Native American Interaction Program.

SUMMARY OF COMMENTS RECEIVED FROM THE PUBLIC ON THE DRAFT EIS: A total of 18 oral or written comments were received from the public or organizations regarding the Draft EIS. Based on the review of these comments, noise received the most interest. In Las Vegas, commentors raised the concern that increased noise generated by the F-22 and established land use plans would be incompatible. One commentor also questioned the validity of the methods used for noise analysis and the treatment of environmental justice in the Draft EIS. Comments were also made regarding safety and land use zoning, and the possibility of further housing development within and near Nellis AFB. Other commentors simply stated their support for the Proposed Action.

For the area under or near the NRC, commentors expressed concern about sonic booms and possible negative impacts on their quality of life, as well as impacts to recreational and tourism opportunities. A few other comments raised questions as to how the F-22 would operate and the way in which it would fly within current airspace. One comment concerned potential conflicts with commercial or private aviation activities and reconfiguration of airspace boundaries. A member of the Moapa Valley Paiutes and the Western Shoshone National Council expressed concern that F-22 flight operations would impact cultural resources and affect the quality of life for these groups of Native Americans.

SUMMARY OF AGENCY COMMENTS ON THE DRAFT EIS: Four federal, state, and local agencies commented on the Draft EIS. Region IX of the U.S. Environmental Protection Agency made comments on the adequacy of the Draft EIS with regard to the alternative identification process, noise analysis methodology, a single calculation for hazardous waste, treatment of environmental justice concerns, and the need to define measures to reduce environmental effects of the beddown around the base. The U.S. Fish and Wildlife Service briefly commented on where and how the F-22s would fly in relation to the Desert National Wildlife Refuge. The Draft EIS was circulated for review among the State of Nevada's Departments of Wildlife, Transportation, Parks, Utilities, Environmental Protection, Minerals, and Historic Preservation (also the SHPO). The single comment from the State of Nevada consisted of a reminder to construct any public drinking water systems on base according to state standards and codes. Clark County's Department of Comprehensive Planning merely requested data on projected noise contours to assist in planning around the base should a decision be made to implement the Proposed Action.

1.3 MANAGEMENT ACTIONS TO REDUCE THE POTENTIAL FOR ENVIRONMENTAL IMPACTS

Reduction of the potential for environmental impacts represents an important part of NEPA. Nellis AFB conducts several ongoing efforts designed to achieve reductions in the effect the base has on the community and to work with groups or members of the community to address issues. All of these efforts, as highlighted below, would continue to apply should the F-22 beddown occur. Nellis AFB also proposes to expand existing efforts to inform and work with minority and low-income populations around the base. By continuing these efforts and potentially expanding current community interaction, Nellis AFB would reduce the potential impacts associated with the F-22 beddown.

NOISE ABATEMENT PROGRAM: Nellis AFB's noise abatement program focuses on reducing noise over residential areas surrounding the base. By employing this program, Nellis AFB reduces noise effects on the

general population, as well as affected minority and low-income populations. Procedures used in the Noise Abatement Program include:

- Routing takeoffs to avoid residential areas as much as possible;
- Controlling and scheduling missions to reduce noise levels, especially at night or early in the morning;
- Altering the speed, rate of climb, and turning radius of aircraft to reduce overall time over residential areas and reduce time at low altitudes;
- Minimizing the use of afterburners for takeoff;
- Avoiding practice approaches early in the morning on weekends and holidays;
- Conducting aircraft engine run-ups in a portion of the airfield designed to minimize the exposure of surrounding residential areas to noise; and
- Minimizing late-night engine run-ups.

All of these management actions have served to reduce noise and its effects on the population near Nellis AFB. If the decision were made to beddown F-22s at Nellis AFB, the Air Force will continue to evaluate the noise generated by the aircraft. Should further feasible noise abatement procedures be identified at the time of the beddown, the Air Force would assess and potentially implement them.

AIR INSTALLATION COMPATIBLE USE ZONE PROGRAM: The Air Compatible Use Zone Program (AICUZ) is an ongoing program for all Air Force airfields. It is designed to assist the adjacent community by recommending land use planning that ensures safe aircraft operations and minimizes noise impacts to the community. Elements of the AICUZ program include:

- Maintaining a cooperative, open dialogue between the base and the community for land use planning;
- Offering assistance to the community in planning for changes in aircraft operations and noise; and
- Developing noise contours around a base that can be used by the community for zoning ordinances.

Nellis AFB has conducted the AICUZ program for almost two decades. The base continues to work with the Clark County Planning Commission to recommend concepts for land use plans and zoning ordinances. The county has adopted many of those recommendations to reduce the potential for conflicts between aircraft operations at Nellis AFB and development in the nearby community.

PROPOSED MINORITY AND LOW-INCOME COMMUNITY INTERACTION: Nellis AFB has been a part of the Las Vegas metropolitan area community for more than 50 years. Like any major institution in a community, being a good neighbor is a top priority. At Nellis AFB, this has resulted in a public outreach program through such events as air shows and restoration advisory board meetings. To augment specific outreach efforts, Nellis AFB proposes to expand its community interaction program to provide more emphasis on the minority and low-income populations around the base. This effort would aid these segments of the community in understanding the function and importance of Nellis AFB, as well as provide a focused

opportunity for minority and low-income populations to work with the base on issues concerning them. Noise from aircraft operations, including those by F-22s, would likely be a principal topic of the program.

NATIVE AMERICAN INTERACTION PROGRAM: Nellis AFB has a comprehensive Native American Interaction Program and conducts substantial government-to-government relations with Native Americans affected by activities at the base and in the NRC. This ongoing interaction program addressed the F-22 proposal and EIS through:

- Direct notification of the initiation of the EIS process to 17 tribes and one organization with historic or prehistoric ties to the land in the NRC vicinity;
- Communication to ensure that the 17 tribes and one organization were invited to scoping meetings;
- Direct distribution of copies of the Draft EIS to the tribes to ensure their awareness of the proposal and its potential effects, and to receive comments from them; and
- Meeting with the tribes after receipt of comments on the Draft EIS and providing an Air Force briefing of status and schedule of the F-22 NEPA process and F-22 program.

Nellis AFB's Native American Interaction Program and associated government-to-government relations would continue should the F-22 beddown occur. Any future issues from the Native Americans regarding the F-22 would be addressed through this program.

CULTURAL RESOURCES: As described in the Draft EIS, the proposed site for the Munitions Maintenance and Storage Facility has not been surveyed for cultural resources. To comply with regulatory requirements for the protection of cultural resources, Nellis AFB would undertake the following management actions to reduce potential effects:

- Survey of the construction area prior to ground disturbance (before January 2000);
- Evaluate any cultural resources identified as a result of the survey;
- Perform Section 106 consultation with the Nevada SHPO; and
- If cultural resources deemed eligible for the National Register of Historic Places are identified, either avoid them or mitigate the effects to insignificant levels through data recovery.

1.4 DECISIONS TO BE MADE

After considering the environmental information presented in this EIS, as well as other factors relative to national defense, the Air Force will decide whether to implement the Proposed Action or to select the No-Action Alternative. A decision to proceed with the Proposed Action would result in basing the F-22 aircraft for FDE and WS at Nellis AFB and implementing associated supporting actions. If the No-Action Alternative were selected, the F-22 aircraft beddown for the purpose of FDE and WS training would not occur at Nellis AFB. Selection of the No-Action Alternative may affect the timing of F-22 integration into the Air Force.

2.0 COMMENTS AND RESPONSES ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT

2.1 INTRODUCTION

This section contains comments on the Draft EIS and responses to those comments. Comments were received from federal, state, and local agencies; American Indian governments; private organizations; and the general public during three public hearings on the Draft EIS and in written comments mailed to the Air Force. The comment period began on June 18, 1999 and closed on August 2, 1999. In accordance with the National Environmental Policy Act (NEPA), public and agency comments were reviewed and incorporated into the Final EIS. These public and agency comments will be used by the decisionmaker in determining whether or not to implement the Proposed Action.

Comment and Response Process

Comments on the Draft EIS were generated through both written correspondence and oral statements during the public comment period. The following process was used for reviewing and responding to these comments:

- All comment letters and testimony were reviewed and assigned a unique number.
- Within each comment letter or testimony, substantive comments were identified and bracketed. These bracketed comments were then reviewed by appropriate staff or resource specialists and provided an individual response. Three guidelines were used for determining substantive comments.
 1. The proposed action, alternatives, or other components of the proposal were questioned.
 2. The methodology of the analysis or results were questioned.
 3. The use, adequacy, and/or accuracy of data were questioned.
- The individual bracketed comments were assigned a response code corresponding to a specific response. These responses (and codes) were organized in numerical order. The responses to comments appear in the Response section (2.2) of this Final EIS.
- Due to their similarity, some comments were assigned the same response.

An alphabetical directory of commentor's names, with their associated comment, was also generated and is provided following this introduction.

Locating Your Comment Letter or Oral Testimony

Locate your name in the directory of commentators alphabetized by last name. After locating your name, note the number in the third column. This number was assigned to your comment letter and is found on the upper right-hand corner of the letter. The comment letters are printed in numerical order. Oral testimony is grouped by the location of the public hearing (Las Vegas, Caliente, and Tonopah) and each commentator is also assigned a number and listed in numerical order.

Locating Responses to Comments

All comment letters were given a response number. Response numbers are printed next to one or more bracketed areas in the left margin of the comment letters. Because of the limited number of comments, responses were not grouped by resource area. However, they are generally ordered by agencies, public written comments, and public oral comments. Responses are found in the Response section (2.2) following the comments.

Directory of Commentors

Last Name	First Name	Comment Letter #
Adams	Harry	000013/000016
Benezet	Louis	000022
Brewster	Dennis	000014/000017
Corban	Keith	000020
Department of Comprehensive Planning		000005
Detraz	Marjorie	000019
Dolby	Trevor	000007
Grone	Joe	000008
Livrieri	Patricia	000021
Martiny	Richard	000010
Meyers	Calvin	000015
Permenter	Robert	000018
Rural Alliance for Military Accountability		000004
Nevada State Clearinghouse		000003
Tortoise Group		000009
U.S. Fish and Wildlife Service		000002
U.S. Environmental Protection Agency		000001
Vanderveen	Carl	000023
Weaver	Phyllis	000011
Western Shoshone National Council		000006

000001

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22 beddown, FDE, and WS activities may cost more to implement at other locations. This goes to the essence of NEPA: providing a range of options in a comparative form, and selecting the superior one after considering the costs, benefits, and environmental impacts. We recommend that the FEIS contain an expanded alternatives analysis that, at a minimum, includes Holloman and Edwards within the range of alternatives considered.

Noise Impacts and Mitigation

The Table on pages 2-49 through 2-51 summarize the noise impacts anticipated with the proposed action. With respect to noise, some impacts of note for the residential areas near Nellis AFB are:

1) Approximately 15,000 to 21,000 acres of land have been exposed to noise levels greater than 65 DNL in the past. With F-22 beddown, the area will be 23,000 acres exposed to more than 65 DNL.

2) Current number of people exposed to 65 DNL or greater is 22,800; with F-22 beddown it would be 37,750, an increase of 60%. The DEIS states that no area would experience an increase of more than 2 dB.

3) Currently, there are six noise-sensitive receptors in areas 65 DNL and above; with the F-22 this would increase by 15 receptors, to a total of 21. These noise-sensitive receptors include elementary and high schools, churches, and parks.

Clearly, the proposed action will have a considerable impact with respect to noise-affected population. In fact, page 4.2-9 states that "approximately 5,600 people could be highly annoyed by noise from the proposed beddown." This is a near doubling of exposure in the range of "highly annoyed" people.

Page 4.2-11 states that the Air Force has "responsibilities for flight activities including the following: flight safety, noise abatement, and participation in the land-use planning process." The Air Force proposes noise impact mitigation measures for Sunrise Manor and North Las Vegas, where the majority of affected populations of people reside. These noise abatement procedures would be 1) rapid climb out to 6,000 MSL for fighter aircraft, 2) 60-degree right turn upon departure, 3) depart to the north before 9 a.m., and 4) practice approaches after 9 a.m. on weekends and holidays. These are the same procedures followed under the current operations at the base.

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The DEIS states that "these procedures would remain in effect under the proposed beddown." However, there is no discussion or analysis of *improved* or additional noise abatement techniques that would possibly mitigate the *increased* noise footprint around Nellis AFB. The DEIS does not indicate that the increased noise impacts resulting from the proposed action will be reduced or mitigated by current noise abatement procedures. Rather, it is presumed that the proposed action will result in greater noise impacts even with these practices in place. Therefore, an analysis of additional mitigation measures is needed. For example, given that the elevation of the area around Nellis AFB (North Las Vegas) is approximately 2,200 MSL, and one current noise abatement technique is a rapid climb out to 6,000 MSL, the actual distance from the aircraft to the ground would be only about 3,800 feet. Perhaps climb-out to a greater altitude is desirable. More analysis and proposed actions for improved noise abatement should be included in the Final EIS.

In addition, the DEIS does not include population growth projections in discussing potential noise impacts. The DEIS states that Clark County is a fast growing area, and population has grown

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annually over the past decade, however, the comparison between current affected areas and affected areas under the proposed action appear to use static population assumptions. Given such growth, the affected population may be substantially understated since the proposed action will not be completed until 2008. An analysis of population growth and encroachment around the base, and the impacts of the proposed action on the population in 2008, should be included in the Final EIS. In turn, this should be taken into consideration when comparing the costs, benefits, and impacts associated with each of the alternatives previously suggested.

Environmental Justice

The DEIS is clear in its summary that the increased noise impact "footprint" and the increase in population exposed to noise levels at and above 65 DNL will have a disproportionate impact on minority and low-income communities. This conclusion is based on the fact that the anticipated affected population (from noise) will have a minority make-up that is 2 percent higher than the Region of Comparison (ROC), and a low-income proportion that is 8 percent higher than the ROC. As the DEIS states, Executive Order 12898 was used to define areas of "disproportionate impact" where minority or low-income population proportions exceeded those of the ROC. The anticipated impacts from the proposed action raises a strong Environmental Justice (EJ) concern. Section 4.12 discusses the EJ issues with respect to noise impacts. There are two deficiencies in this Section.

First, the dialog in paragraph five and the information in Table 4.12-1 is misleading and unclear in describing the actual affected populations. The proposed project will add approximately 15,000 people to the population that is exposed to 65 DNL and above. This is an overall increase of approximately 60 percent (baseline is 22,800). The baseline minority population exposed to 65 DNL and above is 5,900 people, or 26 percent of the total affected population of 22,800. When the anticipated impacts are accounted for, the new "affected population" will be 37,750 people, with 10,050 minorities. Thus, the minority component of the total affected population will be approximately 27 percent. However, it is important to make clear that of the newly affected population under the proposed project, there will be an increase from 5,900 minorities to 10,050 minorities affected: an increase of 59 percent. The non-minority increase in affected population will be similar, nearly 61 percent.

R-8

Second, as written, paragraph 5 on page 4.12-1 is inaccurate since it states that "...noise levels affect 26 percent of minority populations (emphasis added)." Furthermore, the next sentence states that under the proposed project, "...this would increase by 1 percent to 27 percent." This statement could be misinterpreted, as the actual increase (see above) is actually about 59 percent. What is critical to describe clearly in this section is the current affected population; it's minority and non-minority components, as well as the low-income populations; and how the changes in the noise impact will a) increase overall number of people affected, and b) disproportionately burden minority and low-income populations as there would actually be an increase of nearly twice the number of minorities, and over three-times the number of low-income people affected if the proposed beddown were to occur at Nellis. These are not only large absolute increases in affected populations, but also increases in the proportions comprised of minorities and low-income people.

Hazardous Materials and Solid Waste Management

Page 4.5-3 indicates that the increased waste streams for RCRA regulated hazardous waste will increase by 856 pounds per aircraft per year. Thus, by 2008 an additional 17 aircraft would generate an extra 14,552 pounds, or more than 7 tons, of RCRA hazardous waste to the Nellis AFB waste stream. The DEIS, however, states that the increased waste stream will grow by only 4,000 pounds, representing

SUMMARY OF EPA RATING DEFINITIONS 000001

This rating system was developed as a means to summarize EPA's level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the EIS.

ENVIRONMENTAL IMPACT OF THE ACTION*"LO" (Lack of Objections)*

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

ADEQUACY OF THE IMPACT STATEMENT*Category 1" (Adequate)*

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

"Category 2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

"Category 3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640, "Policy and Procedures for the Review of Federal Actions Impacting the Environment."

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Detailed Comments

F-22 Aircraft Force Development Evaluation and Weapons School
Beddown at Nellis AFB

Alternatives Analyzed in the DEIS.

The DEIS analyzes only two alternatives. One is the No Action alternative, the other is the preferred alternative to base a total of 17 F-22 Raptors at the Nellis AFB for Force Development Evaluation and Weapons School operations.

The document contains two pages of descriptions of "Alternatives Considered But Not Carried Forward" that serve to explain why two other Air Force Bases, Holloman in New Mexico and Edwards in California, are not analyzed as reasonable alternatives. These possibilities are dismissed as "not reasonable" alternatives based on three considerations and nine criteria for the effective implementation of an F-22 FDE and WS. The three "considerations" are characteristics of a facility that would best lend itself to the basing of the F-22 FDE and WS. They are listed as 1. *Integrated Battlespace Environment*, 2. *Interaction of F-22 FDE Program and the WS*, and 3. *Maximum Use of Existing Infrastructure*. The nine criteria spell out specific infrastructure needs that a FDE and WS would require, such as an ordnance range and targets. Ultimately, Holloman AFB and Edwards AFB are ruled out since they fail to meet several of the considerations and criteria. According to the limited analysis presented in the DEIS, Holloman AFB, and to a lesser extent Edwards AFB, are discounted from full consideration because of obstacles that appear to be relatively easy to overcome. Namely, criteria 7 through 9 for Holloman and criteria 6 through 9 for Edwards, which have more to do with installing the appropriate electronic and radar systems, establishing an ordnance range, and similar infrastructure requirements than with physical space, runway lengths, or capacity restrictions. Another possibility, one where the programs of FDE and the WS are split between two bases, is also ruled out.

The DEIS does not indicate that the three considerations and nine evaluation criteria are derived from specific Air Force regulations or environmental regulations, with the single exception of DoD Directive 3200.11, which is cited as an authority for having FDE activities at a base with a Major Range and Test Facility Base. Furthermore, on page 2-2, under Overall Considerations, the DEIS states that "A base that requires minimal changes to accommodate these F-22 programs would offer a more efficient and effective alternative than a site that needed extensive changes." It goes on to say that "...minimized changes may also equate to less potential for environmental impacts."

The entire purpose of conducting and EIS under NEPA is to explore a reasonable range of alternatives and compare the relative environmental and other impacts and costs. The NEPA regulations at 40 CFR 1502.14 indicate what must be examined as part of the "reasonable alternatives" analysis. This section also states that each alternative shall be considered in detail so that "reviewers may evaluate their comparative merits." The statement in the DEIS that "minimized changes may also equate to less potential for environmental impacts" cannot be tested since there is no basis for comparison, other than No Action. Rather than presenting a comparative environmental analysis, the DEIS attempts to justify the proposed action at Nellis.

In the summary discussion on Page 2-10 and 2-11, the DEIS shows that the obstacles to fulfilling the criteria at Holloman and/or Edwards are essentially time and money: some undetermined amount of time to make the needed changes to the bases' infrastructure, and somewhere between \$20 and \$45 million to construct the necessary upgrades. Given the significant noise impacts to a large population of people in the vicinity of Nellis AFB, it is reasonable to explore the options of other bases even though F-



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
76 Hawthorne Street
San Francisco, CA 94105

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Mr. William Myers
Chief
Environmental Planning Division
HQ AFCEE/ECA
3207 North Road
Brooks AFB, TX 78235-5363

Dear Mr. Myers,

R-1 The U.S. Environmental Protection Agency (EPA) has reviewed the U.S. Air Force's Draft Environmental Impact Statement (DEIS) for *F-22 Aircraft Force Development Evaluation and Weapons School Beddown, Nellis AFB*. Comments are provided under the National Environmental Policy Act (NEPA), Section 309 of the Clean Air Act and the Council on Environmental Quality's (CEQ) NEPA Implementing Regulations (40 CFR 1500-1508).

The Air Force proposes to base a total of 17 F-22 Raptor aircraft at the Nellis AFB in three phases beginning in 2002, with completion in 2008, for the purpose of Force Development Evaluation (FDE) and Weapons School (WS) activities. The proposed action would also involve building or externally modifying eight facilities on the base, as well as internally modifying two existing ones. Additional personnel would be added to the Nellis base population, an additional 4,472 aircraft sorties would be conducted annually, and ordnance delivery activities (bombing run tests) and chaff and flare deployment would be increased within approved airspace.

The DEIS examines two alternatives. The first is the preferred alternative of deploying the 17 F-22 aircraft and implementing the FDE and WS activities. The second is a No Action alternative under which the proposed deployment would not take place. The DEIS refers to the possibility of using other Air Force installations to base the F-22s, but does not fully analyze them as alternatives.

The preferred alternative would have considerable noise impacts to residential areas near Nellis AFB. Furthermore, these impacts would disproportionately affect minority populations, raising Environmental Justice issues. The DEIS does not analyze or describe how these noise impacts could be effectively mitigated beyond current practices. Increased hazardous waste streams would also result from the beddown and operations of 17 additional aircraft. The DEIS presents questionable data about the total increase in RCRA regulated waste, and thus an accurate assessment of the impacts cannot be made.

EPA is rating the DEIS "EC-2, Environmental Concerns, Insufficient Information". Please refer to the enclosed Summary of Rating Definitions and Follow-Up Action for further information on EPA's rating system. We are extremely concerned that the DEIS fails to fully analyze a range of reasonable alternatives pursuant to 40 CFR 1502.14. Because of the limited analysis, the EPA (and the public) is unable to evaluate the environmental and other consequences of the proposal in comparative form. Furthermore, the anticipated environmental impacts associated with the preferred alternative, most

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notably noise impacts, raise concerns that require more thorough analysis in the final document. Please see the attached comments for a detailed discussion of EPA's concerns.

Please send two copies of the Final Environmental Impact Statement to my attention (mail code: CMD-2) at the letterhead address at the same time that it is sent to EPA's Washington, D.C. office for filing. Please contact me at (415) 744-1584 or Paul Carroll of my staff at (415) 744-1148 if you have questions regarding our comments.

Sincerely,

acting for
Dave Farrel, Chief
Federal Activities Office

Attachments (2):
EPA Ratings Summary
Detailed Comments

F-22 Force Development Evaluation and Weapons School Beddown, Nellis AFB

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Summary

The Air Force DEIS raises concerns due to the lack of a full alternatives analysis. Within the limited analysis provided, impacts of concern are increased noise impacts that disproportionately affect environmental justice (minority and low-income) populations, and inaccurate and incomplete reporting of increased hazardous waste streams resulting from the proposed project.

Concurrence from >>

Mailcode:

Initials:

Date:

Paul Carroll

CMDR

PAC

7-30-99

Dave Farrel

CMDR

DF (initials)

7-30-99

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"less than 3 percent of the bases' RCRA waste".

R-9

Obviously, there is an error in the calculation of RCRA waste from the proposed action. The FEIS should include a thorough, accurate analysis of the anticipated waste streams, how the waste would be managed, and what the implications for environmental impacts would be.



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Desert National Wildlife Refuge Complex
1500 North Decatur Boulevard
Las Vegas, Nevada 89108
Phone (702) 646-3401
Fax (702) 646-3812

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June 28, 1999

Mr. William A. Myers
Chief, Environmental Planning Division
HQ AFCEE/ECA
3207 North Road
Brooks Air Force Base, Texas 78235-5363

Dear Mr. Myers:

Subject: Draft Environmental Impact Statement for F-22 Aircraft Force
Development Evaluation and Weapons Beddown, Nellis Air Force Base,
Nevada

R-1 The following comments on the subject document are provided on behalf of the U.S. Fish and Wildlife Service (Service), Desert National Wildlife Range. As stated in the document, the Nellis Range Complex overlays a portion of this National Wildlife Refuge, and any Air Force operations have the potential to impact refuge operations, management and wildlife.

Page 3.2-29, paragraph 3, line 3:

R-10 Desert National Wildlife Range is managed as part of the National Wildlife Refuge System, not the National Wildlife 'Range' System.

Page 3.2-30, paragraph 2, line 7:

R-11 The Service is concerned about the statement, "Aircraft operations are generally restricted to a minimum of 2,000 feet above ground level, except for special training missions." It is the Service's position that aircraft operations should be restricted to flying above 2,000 feet, period, and not just 'generally'. Will the use of F-22s require an increase in the number of special training missions? Will the use of F-22s require a change in training routes? Will the use of F-22s require a change in ingress to and egress from the target sites? The Air Force must consult, at least biannually, with the Service on special training mission needs, particularly as they affect the eastern portion of Desert National Wildlife Range. The Air Force is strongly encouraged to maintain the 2,000-foot

Received 15 Jul 99

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R-11

minimum elevation over the Sheep Range, which is 'de facto' wilderness and a public use area. People visiting the area have an expectation of quiet and solitude. In addition, it is one of the major areas used by desert bighorn sheep. The Service also strongly encourages the Air Force to avoid flying near or around Hayford and Sheep peaks.

R-12

Page 4.7-3, paragraph 7:

The Service is encouraged to see that existing target areas would be used, and that no new roads, targets, or other facilities would be built. Although the Air Force might acquire primary jurisdiction of the target impact areas, the Service would still maintain secondary jurisdiction with a corresponding interest in any future ground disturbing activities.

Thank you for this opportunity to comment on the subject document. If you have questions, I can be reached at 702-646-3401.

Sincerely,

Richard M. Birger
Richard M. Birger
Project Leader

F-22 Force Development Evaluation and Weapons School Beddown, Nellis AFB

KENNY G. GUINN
Governor

STATE OF NEVADA

JOHN P. COMBAUX
Director



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DEPARTMENT OF ADMINISTRATION

209 E. Musser Street, Room 200
Carson City, Nevada 89701-4298
Fax (775) 684-0260
(775) 684-0222

July 26, 1999

Mr. William A. Myers, Chief
Environmental Planning Division
HQ AFCEE/ECA
3207 North Road
Brooks AFB, TX 78235-5363

Re: SAINV #E199-157

Project: DEIS for F-22 Aircraft Force Development Evaluation & Weapons School, Nellis AFB

Dear Mr. Myers:

R-1 Enclosed are the comments from the Nevada Health Division concerning the above referenced report. These comments constitute the State Clearinghouse review of this proposal as per Executive Order 12372. Please address these comments or concerns in your final decision. If you have questions, please contact me at 684-0209.

Sincerely,

Mand Marolt

for Heather K. Elliott
Nevada State Clearinghouse/SPOC

Enclosures

NEVADA STATE CLEARINGHOUSE

Department of Administration
Budget and Planning Division
208 East Musser Street, Room 200
Carson City, Nevada 89701-4298
(775) 684-0209
fax (775) 684-0240

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JUN 23 1999

DATE: June 23, 1999

Governor's Office	Legislative Counsel Bureau	Conservation-Natural Resources
Agency for Nuclear Projects	Information Technology	Director's Office
Business & Industry	Emp. Training & Rehab Research Div.	State Lands
Agriculture	PUC	Environmental Protection
Energy	Transportation	Forestry
Minerals	UNR Bureau of Mines	Wildlife
Economic Development	UNR Library	Region 1
Tourism	UNLV Library	Region 2
Fire Marshal	Historic Preservation	Region 3
Human Resources	Emergency Management	Conservation Districts
Aging Services	Washington Office	State Parks
Health Division	Nevada Assoc. of Counties	Water Resources
Indian Commission	Nevada League of Cities	Water Planning
Colorado River Commission		Natural Heritage
		Wild Horse Commission

Nevada SAI # E199-157

Project: DEIS for F-22 Aircraft Force Development Evaluation & Weapons School, Nellis AFB

NOTE: The Air Force indicates they sent this directly to:

NDOW, SHPO, NDOT (air), PARKS, NNHP, NUC, NDEP & NDOM

CLEARINGHOUSE NOTES:

Enclosed, for your review and comment, is a copy of the above mentioned project. Please evaluate it with respect to its effect on your plans and programs; the importance of its contribution to state and/or local areawide goals and objectives; and its accord with any applicable laws, orders or regulations with which you are familiar.

Please submit your comments no later than July 26, 1999. Use the space below for short comments. If significant comments are provided, please use agency letterhead and include the Nevada SAI number and comment due date for our reference. Questions? Heather Elliott, 684-0209.

THIS SECTION TO BE COMPLETED BY REVIEW AGENCY:

☒ No comment on this project
☐ Proposal supported as written
☐ Additional information below
☐ Conference desired (See below)
☐ Conditional support (See below)
☐ Disapproval (Explain below)

AGENCY COMMENTS:

R-13

ANY CONSTRUCTION OF PUBLIC DRINKING WATER SYSTEMS
OR EXPANSION OF EXISTING PUBLIC DRINKING
WATER SYSTEMS MUST BE IN ACCORDANCE WITH
APPLICABLE NEVADA REVISED STATUTES AND ADMINISTRATIVE
CODE.

Clifford M. Jones
Signature

BAPD
Agency

7-15-99
Date

NV-8554



Rural Alliance for Military Accountability

P.O. Box 60036, Reno, NV 89506
 Phone/Fax: (775) 677-7001
 E-mail: rama@accutek.com
 Website: <http://www.rama-usa.org>

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July 30, 1999

Mr. William A. Myers
 Chief, Environmental Planning Division
 HQ AFCEE/ECA
 3207 North Road
 Brooks AFB, TX 78235-5363

R-1 Regarding: Draft Environmental Impact Statement (DEIS): F-22 Aircraft Force Development Evaluation and Weapons School Beddown, Nellis AFB

The following are comments of the Rural Alliance for Military Accountability (RAMA) regarding the proposed F-22 Aircraft Force Development Evaluation and Weapons School Beddown, Nellis AFB.

RAMA's comments will focus on the noise data presented in the DEIS and Environmental Justice issues since the proposed action will nearly double the minority population impacted and increase the number of low income population impacted by 4,651 residents from 2,404 to 7,045.

Title 3—The President Executive Order 12898 of February 11, 1994 Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations requires that: "... each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States..."

R-14 While it is evident the the Air Force has worked with the Clark County to implement zoning ordinances around Nellis Air Force Base it is unclear whether the Air Force or

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R-14 Clark County made any concerted effort to include the impacted minority and low income community in any meaningful manner during the noted zoning changes or preparation of the DEIS.

R-15 The DEIS while noting that there will be and is a disproportionately high impact to minority and low income residents failed to provide information on the race, national origin, income level, and other information necessary to address impacts and appropriate community interactions. For instance, what percentage of the population is black or Hispanic? Has the Air Force presented notification of the preparation of this document, including notification of public hearings, in a multi-lingual manner to insure public participation in the decision making process, especially to the Spanish speaking community? Is a Spanish version on the DEIS available?

R-16 The DEIS found on page 4.12-5 that no American Indian Reservations underlie airspace affected by the Proposed Action. While this may be true the DEIS failed to address and recognize the traditional Indian lands which includes the entire Nellis Complex. Impacts on these traditional lands must be addressed in the FEIS.

R-18 Noise data presented in the DEIS is confusing and needs clarification. For example on page 3.2-5 the DEIS states the baseline operations total 68,000 annually, which is at the low end of the range. One must assume that the contour maps found on pages 3.2-6 and 3.2.7 reflect this baseline number of 68,000 operations. Yet, on page 3.2 the tells us that historical data presents a much different scenario 200,000 (low) and 300,000 (high) sortie-operation scenario. Even at the low end of 200,000 operations this represents nearly a tripling of the number of operations portrayed in the contour maps. RAMA believes a worst case scenario of operations must be calculated.

R-19 On page 3.2-1 the DEIS states, "However, the effects on noise over a period of time depend on the total noise exposure over extended periods so cumulative noise metrics are used...". The DEIS presents no data for peak noise events or multiple aircraft events.

R-20 What plans does the Air Force have to sound proof the sensitive noise receptors facilities described on page 3.2-19? RAMA requests soundproofing of these facilities as mitigation.

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R-21 | The DEIS failed to address noise impacts associated with all MTRs in the Nellis Complex.

R-22 | The most blatant oversight in the DEIS is that specific noise analysis for the F-22 aircraft cannot be found. For example in Table 3.2-9. The DEIS seems to be a rehash of the LEIS for the withdrawal renewal.

R-23 | The DEIS fails to provide cumulative noise analysis including all foreign military aircraft noise impacts. Especially during Red Flag and Green Flag operations.

R-24 | Solid noise research has been available for years and has been made known to the Air Force. Yet, the DEIS fails to recognize the results of noise research which has found that noise from aircraft operations lowers property values. The Air Force

R-25 | performed no cost benefit analysis of its choice of options or of any alternatives. This section of this report also provides an indication of the costs to those affected by the base operations, MTRs and MOAs.

R-26 | The Air Force chose to disregard a large body of evidence--of which it was fully aware at the time this DEIS was written--that showed its noise analysis was faulty. The literature of noise/annoyance modeling overwhelmingly states that the Schultz curve utilized in the DEIS significantly underestimates community noise annoyance.

In a 1990 paper specifically cited by Brooks AFB noise researchers in 1996, Ronald deJong, one of the most respected European noise researchers described this requirement in the following way:

The population is rarely exposed to one single noise source. Within the last ten years, several researchers have dealt with the problem of noise annoyance arising from multiple sources. Several models have been proposed, however most of these had to be rejected...because of the implication that the annoyance from the combination of two sources may be less than the annoyance from the most annoying type, when heard alone...Intrinsically, a total noise situation can never be less annoying than the most annoying component, no matter what the verbal reports may be.

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R-27 | The models on which this DEIS is based--the Schultz model, and the Fidell and Finegold revisions of this model--all commit the fatal error of predicting that the annoyance to a mixture of aircraft and transportation noise is less than the annoyance from the aircraft noise alone.

R-28 | The 1978 Schultz study, a 1991 update of the Schultz study by Fidell et al., and a 1994 study by Finegold et al. cited DEIS as the evidence that Air Force noise modeling is both adequate and accurate. In addition, over the last ten years, whenever it has been criticized for not including valid noise studies in its EISs, the Air Force has claimed it used the "best available technology" in its models. These statements are not true and they have not been true since at least 1989. In fact, the Air Force itself published the following statement in 1996:

Federal and state agencies which control the areas largely utilized by the outdoor recreationist have recently made the attempt to exert greater control over the airspace above the resources for which they are responsible, including that utilized by military aircraft. Today, no quantitative dosage-response relationship has been developed for predicting annoyance in these circumstances, and information on which such a relationship could be based is in short supply.

R-29 | The DEIS conveniently chose to provide noise analysis which is faulty. For example the report Air Force Technical Report HSD-TR-89-008 dealt with a persistent problem with the data in the 1978 Schultz model and the 1991 Fidell, Barber and Schultz model: people in different communities exhibited different levels of annoyance to the same decibel levels of sound and people in the same community exhibited different levels of annoyance to sounds from different sources with the same decibel ratings. Thus, one could never be sure that the annoyance forecast by either the 1978 and 1991 models would actually be exhibited by any given population.

R-30 | The DEIS failed to address noise impacts differences between residential and outdoor recreational exposures.

The DEIS noise/annoyance model must reflect the real world. To do this, the model

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must take into account all known facts and it must generate predictions that can be verified by any unprejudiced and neutral observer. Further, the adequacy of such a model must be confirmed by determining how well it fits the world it examines and how well it can predict alterations in this world.

R-31

The Air Force noise/annoyance model has done remarkably bad in all these areas. The DEIS presents all noise impacts based on models. As a mitigation RAMA believes the Air Force should place state-of-the-art noise monitors throughout the impacted minority and low income communities to determine the actual noise impacts. Noise analysis must be conducted under worst case scenario. Not on a Sunday when there are few overflights.

In sum, by 1989 the Air Force knew, based on its own contract's report, that aircraft noise was more annoying to a community than other kinds of noise and, as a result, that a model based on a combination of aircraft and automobile noise would miscalculate community annoyance. The Air Force also knew that a modeling technique existed that would allow it to more accurately predict this noise in an urban setting. It also knew that it should be correcting its urban annoyance calculations by at least 5 dB. Instead of incorporating these findings in the DEIS, the Air Force disregarded this information and continued to base aircraft noise on the Schultz curve.

R-32

R-33

The DEIS also failed to recognize additional findings by the referenced Air Force researchers, Lawrence Finegold, C. Stanley Harris, and Henning E. von Gierke. These Air Force researchers also found that aircraft noise was more annoying than other kinds of transportation noise. Their report, published in 1994, and cited as one of the central models in the DEIS, includes a section labeled '4. Aircraft Noise Versus Other Transportation Noise Sources' that contains the following statements:

...since Schultz published his exposure-response relationship in 1978, controversy has continued over whether all types of transportation noise should be combined under the rubric of "general transportation noise." Many researchers see evidence that aircraft noise is rated as being more annoying than other types of transportation noise, such as railroad and highway noise.

...One reason why it is difficult to compare published data on human responses to

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noise exposure levels from various sound sources is that there are, typically, large differences in sound exposure for living and sleeping areas in a home from aircraft overflight noise compared with the sound exposure from road traffic noise. Noise from an aircraft overflight virtually surrounds a home, entering the living and sleeping areas through the roof and two or more sides of the dwelling, while street traffic noise enters predominantly through only one or two sides of the dwelling. This difference in sound exposure within a home is, typically, not accounted for, or discussed, in social surveys when researchers estimate the noise exposure of subjects.

Thank you for the opportunity to comment. Please feel free to call in you any further questions.

Sincerely,



Grace Potorti



Department of Comprehensive Planning

500 S Grand Central Pky • Sta 3012 • PO Box 551741 • Las Vegas NV 89155-1741
(702) 455-4181 • Fax (702) 386-8940

John L. Schlegel, Director • Phil Rosenquist, Assistant Director • Lesa Coder, Assistant Director

July 27, 1999

000005

Mr. Don Kellogg
F-22 Aircraft Beddown EIS
HQ AFCEE/BCP
3207 North Road
Brooks AFB, TX 78235-5363

Dear Mr. Kellogg:

R-1 Thank you for the opportunity to review the Draft EIS: F-22 Aircraft Force Development Evaluation and Weapons School Beddown, Nellis AFB. We appreciate and support the need to maintain combat superiority and value Nellis AFB as an integral part of our community.

R-34

As stated repeatedly in the document, the proposed additional airfield operations would change the shape and extent of the area affected by aircraft noise around Nellis AFB. Further, these changes are anticipated to be relatively negligible either in terms of the area affected or in the magnitude of the change. However, should this proposal be carried out we would want to make sure that we have the information necessary to evaluate whether the County's adopted policies and regulations may need to be revised to assure that our land use decisions are based on the most accurate information available. Specifically, we would appreciate having a map, along with an electronic file of the associated data, of the projected noise (DNL) levels. This would allow us to compare the projected noise levels against our adopted noise zones.

Enclosed for your reference is a copy of the recently updated Sunrise Manor Land Use Guide. This latest update further strengthens land use controls surrounding Nellis AFB to assure development is compatible within the base's region of influence.

Should you have any questions please do not hesitate to contact me at (702) 455-4181.

Sincerely,

JOHN L. SCHLEGEL
Director

Enclosures

JS/JW/DK:kbb
L189

BOARD OF COUNTY COMMISSIONERS
BRUCE L. WOODBURY, Chairman • ERN KENNY, Vice-Chair
VIVIANE ATKINSON GATES • DAVID HERRERA • MARY J. HONIG • LAURIE M. MALONE • MYRNA WILLIAMS
DALE W. ASKEW, County Manager

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COMMENTS OF THE
WESTERN SHOSHONE NATIONAL COUNCIL
ON THE
THE F-22 FORCE DEVELOPMENT EVALUATION
AND
WEAPONS SCHOOL BEDDOWN
NELLIS AFB DEIS

Monday, August 2, 1999

Western Shoshone National Council
P.O. Box 210
Indian Springs, NV 89018-0210
NEWE SOGOBIA

000006

AUTHORITY

- R-1 The Western Shoshone Nation has governed under laws of the Creator historically handed down orally from one generation to the next since time immemorial. The contemporary black and white print, as in its various conventions, resolutions, treaties, procedures, judicial decisions, and charter constitute additional authorities. One of the fundamental laws of the Western Shoshone Nation is the sovereignty and supremacy of the National Council assembled. No court of law could ever strike down a National Council act as being unlawful. The National Council is deemed to be the best interpreter of the Western Shoshone law.

The Western Shoshone Nation won formal recognition by the United States through the negotiation and signing of a treaty of "peace and friendship" secured for the benefit of the Western Shoshone Nation and the United States. The Treaty of Ruby Valley¹ granted specific rights to the United States. All other rights, power, title and interest within the exterior boundaries of the Western Shoshone Territory are reserved by the Western Shoshone Nation for the use and benefit of all Western Shoshone citizens. The treaty is in full force and effect.²

The lawful basis for the legitimate authority of the National Council is recognized by United States law and international laws as follows:

"The utmost good faith shall always be observed toward the Indians; their lands and property shall never be taken from them without their consent; and in their property rights and liberty they shall never be invaded or disturbed." The Northwest Territorial Ordinance of 1787,

"This Constitution and laws of the US which shall be made in pursuance thereof and all treaties made, or which shall be made, under the authority of the US shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any state to the contrary notwithstanding." US Constitution, Article VI, paragraph II.

"Special care shall be taken" against "those invasions (against the Indians) which the United States have solemnly obliged themselves to restrain." Treaty of Guadeloupe Hidalgo 1848, 9 Statute 922.

"...Providing that nothing in this Act contained shall be construed to impair the rights or property now pertaining to the Indians in said territory, so long as such rights shall remain unextinguished by treaty between the US and the Indians." Act of Congress Organizing the Territory of Nevada 1861

¹ 18 Stat. 689.

² Findings of Fact #4) "The government has admitted that the 1863 Treaty of Ruby Valley is in full force and effect." US v. Dunn, September 15, 1986.

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WESTERN SHOSHONE-UNITED STATES RELATIONS

The Western Shoshone Nation possesses an express reservation of power in freedom of action. The exercise of these powers exists in the National Council of the Western Shoshone Nation. The only rights surrendered by the Western Shoshone Nation to the United States come by the Treaty of Ruby Valley. It could have come through the Treaty of Ruby Valley that the United States may claim a right.

- R-35 The United States through a formal process of treaty negotiations and enactment has impliedly gave up certain rights to the Western Shoshone Nation. Provision for economic and social activity under the Treaty of Ruby Valley are duly recognized as being reserved rights to be regulated by the Western Shoshone Nation and are the basis for the implied consent of the United States to be bound by those regulations subject to the justiciable processes of the National Council.

ENVIRONMENTAL JUSTICE

- R-36 The F-22 Force Development Evaluation and Weapons School Beddown, Nellis AFB DEIS fails to comply with Executive Order 12898. Noise is the only response resource considered by the DEIS. A thorough and in-depth investigation of the siting process is essential to ensure compliance of the President's nondiscrimination directive if that directive is to have any real meaning. Racial discrimination in the siting of federal facilities and programs site selection process cannot be uncovered with only a facial review. Discrimination is rarely admitted and is often rationalized under some other guise making it difficult to ferret out. A more thorough investigation must be conducted to determine whether discrimination plays a role in the site selection process for the F-22. The National Council believes discrimination does play a significant role.

DISCRIMINATION

The United States Air Force discriminates by not recognizing the differences between the Western Shoshone Nation and the United States. The Western Shoshone Nation, because of its lifestyle, culture and religious differences, are impacted differently by technology development and deployment than the general non-Shoshone population. When these differences are neglected the hazards of craft development and testing will not be assessed accurately, environmental protection standards will not be adequate for tribal protection and remedial technologies may not be appropriate or protective of Western Shoshone interests. The Western Shoshone Nation has had a serious problem with anthropologists who have come into Western Shoshone Territory viewing Western Shoshone citizens as cultural resource study subjects. They have come into our communities and maintained power by not fully explaining their purpose or the projects in which they are involved. They have extracted confidential information then gone away to evaluate it with their own value system and skewed the published finding to meet the objectives of the contracting agency. The result is non-recognition of the Western Shoshone Nation, its National Council and the legitimate rights of Western Shoshone citizens causing confusion and a morally impoverished scientific research product. A better approach would have integrated the individual pieces with an

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eye to understanding the overall impact to Western Shoshone quality of life rather than trying to understand the sum of weapon or weapons system impact by looking at one dimension, cultural.

R-37

According to the F-22 Force Development Evaluation and Weapons School Beddown, Nellis AFB DEIS, the full scope of Western Shoshone society, religion, freedoms, customs, laws, tradition, economy, quality of life and other life ways can only exist when studied within the context of cultural resource studies. The Treaty of Ruby Valley is disregarded as law and the Western Shoshone Nation as a lawful nation are treated with deliberate indifference, replaced by United States federally chartered corporations created by the Indian Reorganization Act of 1934 which in turn places these corporations under the authority of the United States Secretary of the Interior. Authority under the Indian Reorganization Act is limited to the exterior boundary of a federally recognized Indian tribe created under the Act. The Indian Reorganization Act is the basis of United States recognition of Indians as tribal entities, not the actual existence of the tribe or nation as it actually exists, as self-determined people based on the needs and methods they determine for their self-sufficiency. The importance of federal recognition and the implicit non-recognition by the United States of the Western Shoshone Nation is that United States laws provide too little protection of Western Shoshone people etching out a fate of extinction for the Western Shoshone Nation.

Further, the creation of a volatile complex of institutions for the support of United States Air Force mission discriminates upon an already vulnerable Western Shoshone population. The proposed beddown of the F-22 fighter on the Nellis Range Complex follows the pattern of locating hazardous facilities and weapons systems in the heart of Western Shoshone Territory. Previous secret weapons development including nuclear devices, U2 spy planes, stealth fighter craft and the proposed MX missile weapons systems have had devastating impacts upon the Western Shoshone Nation. All have been met with protest and organized opposition by the Western Shoshone government. The continued designation of Western Shoshone Territory for the location of F-22 Force Development Evaluation and Weapons School Beddown is to subject the Western Shoshone people to discrimination because of their race and inability to effectively enforce laws designed for their protection.

GENOCIDE

The Western Shoshone Nation has inherited an ongoing legacy of victimization by the United States. The National Council of the Western Shoshone Nation has held long debates and judged that United States is in violation of the Treaty of Ruby Valley. More recent deliberation has focused upon acts of genocide committed by the United States Air Force under the guise of, "...identifying significant cultural resources potentially affected by [Air Force] action, determining the effect of that action, and implementing measures to avoid, reduce, or otherwise mitigate those effects."³ The systematic process used in the study and previously developed through a cultural resource study by the United States Department of Energy coined the study

³F-22 Force Evaluation and Weapons School Beddown, Nellis AFB, 4.8-1.

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protocol "cultural triage."⁴ The process was created by Dr. Richard Stoffle, who was subsequently contracted by the United States Air Force to conduct a similar cultural resource program on the Nellis Range Complex.

R-38

The cultural resource study method used at the Nevada Test Site to obtain information about Western Shoshone cultural resources is substantially the same for the F-22 Force Development Evaluation and Weapons School Beddown, Nellis AFB. By utilizing the Consolidated Group of Tribes and Organizations the United States Air Force seeks to circumnavigate a true application of Western Shoshone custom in order to meet compliance of National Historic Preservation Act, the Archeological Resource Protection Act, the Native American Graves Protection and Repatriation Act, and the American Indian Religious Freedom Act.

The National Council as the voice of humanity, stamp these acts, and the ideas which engendered them, as barbarous and criminal. The acts violate Western Shoshone custom, International Law under the United Nations Convention on Prevention and Punishment of the Crime of Genocide,⁵ and United States law under the United States Genocide Implementation Act.⁶

FRAUD

With the foregoing statement of authorities and jurisdiction of the National Council it can only be assumed that absent a claim of right or authority by the United States made pursuant to the Treaty of Ruby Valley, that a significant illegitimate benefit is accrued to the United States Air Force by the use of the Nellis Range Complex. An intentional deception by individuals, partners, or other entity which seeks to unlawfully deprive the Western Shoshone Nation of something of value and to secure for the United States Air Force a benefit, privilege, allowance, or consideration for which there is no entitlement constitutes fraud.

RESOLUTION

The Western Shoshone Nation faces many lawsuits and legal proceedings (civil litigation), which challenge its actions and policies. The pressure of these many cases places an inter-generational burden upon the Western Shoshone people which hinders the self-determination and political freedom of the Western Shoshone Nation. The National Council must defend its citizens interests by winning these cases or settling our differences through negotiations. The method of negotiations is preferred and has been offered since 1984 by the National Council. It is the failure of the United States which has led to the failure of this course and focused its attention instead on protracted litigation.

⁴Stoffle, Haimo, Olmsted and Evans. Native American Cultural Resources at Yucca Mountain. SAIC DOE contract DE-AC08-87NV10576 (Page 168).

⁵General Assembly Resolution 260 A(II) December 9, 1948.

⁶The Proxmire Act, 102 Stat. 3045, November 5, 1988.

CONCLUSION

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The Western Shoshone government understands that matters based upon the United States Constitution, Western Shoshone National Custom, and treaties are political issues upon which military officers must remain neutral, nonetheless, the United States Air Force must take due notice of the facts and realities in the relationship between the United States and the Western Shoshone Nation to put into operation superior power to protect the health, rights, liberties, freedoms, and environment of the Western Shoshone people from an increasingly aggressive American bureaucracy. The United States Air Force has an obligation incident to military service duty when within Western Shoshone Territory for the betterment of Western Shoshone quality of life in the conduct of military operations other than war.

20 July 80

ingdon A. Kellogg
HQ AFCEE/ECP
3207 North Road
Brooks AFB TX 78235-5363
210 536 4183

000007

R-1

I think that basing the F-22 at Nellis is a good idea.

Several years ago citizens up in northern and central Nevada (Fallon Naval Air Training base) were claiming that military jets overhead were making their cows neurotic. I don't have the information that they or you have on effects on the environment, but I don't need it to offer my opinion that I have no objections.

I live in Amargosa Valley. We have A-10 train overhead with some regularity (low level flight) and we see & hear tankers (C-140s I think) circle thousands of feet over head less frequently. When we drive to Vegas to get groceries etc. we drive through the Indian springs AFB and bombing range 445 (nearby) and see all manner of Air Force aircraft in the air. So I know what I am inviting when I encourage you to send us the F-22 squadron.

P. S. the one air show I attended at Nellis was great, lets do that again!

Trevor B. Dolby
Box 478-C Route 69
Amargosa valley, NV 89020
775 372 1214
E-Mail: tbdolby@juno.com

000008

From: Joe Grone [jlg@comnet.net]
 Sent: Sunday, June 27, 1999 4:49 PM
 To: mike.eslarde@nellis.af.mil
 Subject: COMMENT

R-1 This may not be the appropriate address for comments, but, just in case it is the correct address, we want you to know that this is one family that wants the Air Force to establish F-22 aircraft at Nellis.

When we hear those jets - when we see those jets - it makes us feel not only proud, but confident that our Air Force is not only present, but that it's training pilots, and housing jets, for our security through AIR POWER..

BRING ON THOSE JETS!!!!!!!!!!!!!!

The Organization for the Protection of Nevada's Resident Tortoises, Inc.

A non-profit organization since 1983

Tortoise Group



000009

June 17, 1999

Ms. Betty L. Burge
 5157 Poncho Circle
 Las Vegas, NV 89119
 Tel. and FAX (702) 739-8043
 e-mail: tortoisegroup@worldnet.att.net

M2 William Myers
 Environmental Planning Division
 HQ AFCEE/ECP
 3207 North Road
 Brooks AFB, TX 78235-5363

Dear Sir,

R-39 Please remove our name from the your mailing list. Thank you.

Yours truly,

Betty L. Burge, Chairman

000010

27 June, 1999

Mr. Langdon A. Kellogg
 HQ AFCEE/ECP
 3207 North Road
 Brooks AFB, TX. 78235-5363

Dear Sir,

R-1

As a former Air Force man (circa 1950's) I welcome the news of future stationing of F-22's at Nellis. It is a beautiful aircraft and one that our nation needs. The wide-open area of Nevada will suffice the requirements of such an advanced plane.

Sincerely,

Richard Martiny
 Richard Martiny
 5455 Arlio Road
 Las Vegas, NV. 89122

000011

F-22 BEDDOWN AT NELLIS AFB EIS COMMENT SHEET

NAME: Phyllis Weaver, Office ManagerADDRESS: Leaver Construction2590 W. Nellis Blvd.Las Vegas, NV 89115

TELEPHONE: _____

(Optional)

REPRESENTING: Self ☐ Organization ☒ Other ☐

Please indicate if you would like to receive a copy of the F-22 Beddown
 Final EIS: (yes/no) yes

If you would like to comment, please use inside 000011

000011

COMMENTS:

R-1 Dear Mr Kellogg:

My name is Phyllis Weaver, and I am the office manager for Weaver Construction, 2590 N. Nellis Blvd, Las Vegas, Nevada. We are under one of the flight paths of Nellis AFB. Quite frankly, we do not have a problem with the F-22 Beddown at NAFB. We believe it will have a positive ~~environment~~ economic impact in this area. We do not believe a measurable negative impact will be ~~caused~~ by the surrounding community. As long as all safety measures are observed, and those hot-shot jockeys don't hit their after-burners over my office, it will be okay.

Sincerely,
Phyllis Weaver

No comment exists for 000012;
the sequence of comments starts
again at 000013.

000013

F-22 BEDDOWN AT NELLIS AFB EIS COMMENT SHEET

NAME: Harry AdamsADDRESS: 2805 E. Quail Ave
LV, NVTELEPHONE: _____
(Optional)REPRESENTING: Self ☒ Organization ☐ Other ☐Please indicate if you would like to receive a copy of the F-22 Beddown
Final EIS: yes no

If you would like to comment, please use inside {8}

000013

R-1

COMMENTS:

please comment on Congress' plan today of cancelling funding for F22 (source - Fox Business news 5 AM this morning Thanks J. Olson)

R-40

000014

F-22 BEDDOWN AT NELLIS AFB EIS COMMENT SHEET

NAME: Dennis E Brewster

ADDRESS: 6410 Blue Heron
Las Vegas Nevada 89156

TELEPHONE: (Optional)

REPRESENTING: Self ☒ Organization ☐ Other ☐

Please indicate if you would like to receive a copy of the F-22 Beddown Final EIS: yes/no ☒

If you would like to comment, please use inside

Public Hearing Transcripts

000014

COMMENTS:

R-1

Welcomed For Tomorrow's Pilots and Crews etc

Work is need with Clark CO TO STOP Development

R-41

of Lands at Nellis Back Door a Zone of safety

is needed and to Allow Nellis to grow and

Improve

Rules as Use of After Burner after Take off

Some Times They Leave The AFB on after

and level out

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ORIGINAL

F-22 BEDDOWN AT NELLIS AIR FORCE BASE

ENVIRONMENTAL IMPACT STATEMENT

PUBLIC HEARING MEETING

Held at the Sunrise Library
5400 Harris Avenue
Las Vegas, Nevada

On Tuesday, July 13, 1999
At 7:00 p.m.

Presiding: Colonel Michael B. McShane,
Hearing Officer

Reported by: Robert D. Stanley, RPR
CCR No. 330

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PROCEEDINGS

HEARING OFFICER: Good evening, ladies and gentlemen, it's about time we get started. If we have anybody else out in the hallway, send them on in.

I'm Colonel Mike McShane, and I'll be the presiding officer, or hearing officer, for this public hearing this evening. This public hearing is the first in a series of three hearings on the Air Force proposal to locate F-22 aircraft at Nellis Air Force Base.

This public hearing this evening serves to fulfill the requirements under the National Environmental Policy Act, and we may refer to that as NEPA during the course of the evening, and its implementing regulations. To be clearer, our sole reason for being here tonight is to receive the public's comments, that is, your comments on the draft environmental impact statement, which is commonly referred to as a draft EIS, or just as the DEIS.

Before moving forward with an overview briefing, I would like to explain my role in this proceeding this evening to help you better understand

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1 this process. I am an Air Force officer, obviously,
2 but I am also an attorney currently assigned at
3 Bolling Air Force Base in the District of Columbia.
4 As the chief trial judge of the United States Air
5 Force, my usual duties involve supervising 20 Air
6 Force military judges, and also involve presiding
7 over Air Force criminal trials, or courts-martial,
8 occurring at Air Force bases anywhere in the world.
9 I am not assigned to, and have no connection with,
10 either Nellis Air Force Base, or air combat command,
11 the proponents of the draft EIS we will be
12 considering tonight. Also, I have had no involvement
13 in the development of this draft EIS, and am not here
14 to serve as a legal advisor to the Air Force or the
15 proponents of this proposal. I tell you this so that
16 you will understand that my role as hearing officer
17 is simply to ensure that we have a fair, orderly, and
18 impartial hearing, and that all who desire to be
19 heard have an opportunity to speak. In sum, I serve
20 as an impartial moderator of this hearing.

21 The hearing will be conducted in three
22 parts. First, Major Torba will make a presentation
23 on the proposed action. Next, Mr. Jim Campe will
24 provide an overview of the National Environmental
25 Policy Act, as well as a summary of the potential

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1 environmental impacts of the proposal. The third
2 part of this hearing, after we take a break, will be
3 your opportunity to provide, for the record, comments
4 on the draft EIS. We do it this way, briefings first
5 and then comments, so you may be better informed as
6 you offer your remarks. The 45 day public comment
7 period for this proposal began June 18th, 1999 and
8 runs through August 2nd, 1999, based on inputs the
9 Air Force receives during this period, either in
10 writing, or from the public hearings such as
11 tonight's, additional analyses will be conducted,
12 evaluated and/or performed, and changes will be made
13 to the draft EIS, where appropriate. In fact, the
14 draft EIS has already been shaped by public comments
15 submitted during the scoping process.

16 Throughout this hearing, I ask you to keep
17 in mind that this public hearing is not designed to
18 be a debate, nor is it a popularity vote on the draft
19 EIS, nor is it primarily designed as a
20 question-and-answer session, although clarifying
21 questions asked as part of your comment time may be
22 appropriate. This hearing is also not a time set
23 aside for you to use your comment time to personally
24 attack those whose views may be different from your
25 own.

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1 This hearing is primarily about the
2 adequacy of the environmental analysis and the
3 environmental impacts associated with the proposal.
4 Concerns about non-environmental issues should not be
5 raised at this hearing. They will not add anything
6 to the record, and may limit the opportunities of
7 others to provide comments on the draft environmental
8 impact statement analysis.

9 You can comment at this hearing in one of
10 three ways: On comment sheets, like this one that
11 you saw as you registered, for those of you who would
12 like to write out your comments by hand. You can
13 comment orally during the public comment period
14 tonight, or you can comment directly to the court
15 reporter following the general comment session.
16 People wanting to make oral comments this evening
17 should have noted that on the attendance card, the
18 little card you filled out when you signed in when
19 you came in this evening. If you did not fill out a
20 card for some reason, or did not indicate that you
21 wanted to speak but now wish to speak this evening,
22 please fill out a card during the break.

23 For those wishing to comment in writing to
24 the Air Force about the proposal, your written
25 comments should be sent to the address shown on this

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1 next slide. And that address is also on the comment
2 sheet.

3 Also, if you would like to submit more
4 detailed written comments to supplement your verbal
5 comments tonight, that address is on this comment
6 sheet, as I said, which is located at the sign-in
7 table. Written comments will be accepted at this
8 address through the mail until August 2nd, 1999. It
9 is important to note that all comments, either made
10 orally this evening or provided in writing tonight,
11 or submitted in writing later, will be given equal
12 consideration.

13 At this time the Air Force representative,
14 Major Torba, will give his presentation. Major
15 Torba.

16 MAJOR TORBA: Good evening, my name is
17 Major Torba. I work year in the Airplane Superiority
18 Office at Langley Air Force Base. My portion of the
19 presentation will address some general
20 characteristics of the F-22, why the Air Force is
21 proposing to station the F-22 at Nellis, and then
22 I'll give a brief description of the proposed
23 action.

24 The F-22 is the next generation,
25 multi-mission air superiority fighter, supplementing

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1 schools.

2 The display in the back of the room
3 depicts the area where the F-22 will operate. The
4 Nellis Air Force range complex has been used
5 continuously by the military for more than 50 years
6 to conduct flying training exercises similar to those
7 envisioned for the F-22.

8 For all new aircraft, like the F-22, the
9 Air Force is required by law and policy to develop
10 the aircraft's war combat capabilities to provide for
11 successful F-22 FDE program and weapons school
12 development activities. The Air Force proposes to
13 beddown this aircraft at Nellis Air Force Base. This
14 Air Force base and its associated airspace and range
15 complex are the only Air Force sites truly capable of
16 providing the specific requirements needed for the
17 F-22 FDE program and the weapons school, without
18 major changes to the airspace, land resources, and
19 base infrastructure. The Air Force proposes to base,
20 in three phases, a total of 17 F-22 aircraft at
21 Nellis Air Force Base between the years 2002 and
22 2008. 367 personnel will be added to the
23 installation between fiscal year 2001 and 2007.

24 The proposed action entails facility
25 construction activities on Nellis Air Force Base over

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1 the aging F-15C/D fleet. Designed to meet combat
2 requirements well into the future it will have the
3 ability to effectively control the air arena, thus
4 providing our air, ground, and sea forces with the
5 freedom to conduct operations against opposing
6 forces. The aircraft will have stealth
7 characteristics, will fly at supersonic speeds
8 without afterburner, and will possess increased
9 maneuverability over any current or projected
10 aircraft. It will also be capable of carrying state
11 of the art fighter weaponry.

12 The Air Force proposes to base, or
13 beddown, the F-22 aircraft and to implement force
14 development evaluation program and weapons school at
15 Nellis Air Force Base in Nevada. The force
16 development evaluation missions will test and develop
17 combat tactics for the F-22, and the weapons school
18 ensures those tactics are passed on to the
19 operational units through the pilots completing the
20 advanced training offered by the school. Air combat
21 command is responsible for implementing the F-22 FDE
22 program and weapons schools. Nellis Air Force Base
23 represents the only ACC base with major range and
24 test facility base components that meets the
25 requirements for the F-22 FDE program and weapons

1 about a six-year period, starting in fiscal year
2 2000. New facilities would include a hangar, a
3 dormitory, and an aircraft parts warehouse. More
4 detailed information on the facilities to be
5 constructed or improved is presented on the display
6 posters and discussed in detail in the DEIS.

7 It is anticipated that eight of the
8 aircraft would be assigned to the operational test
9 and evaluation squadron and the remaining nine would
10 be assigned to the United States Air Force weapons
11 school program at Nellis Air Force Base. Flight
12 tracks to and from the base and operations over the
13 Air Force range complex will be similar to the
14 existing fighter operations, such as the F-15.

15 The vast majority of the flights over the
16 Nellis range complex will be conducted at 10,000 feet
17 or more above ground level, AGL, at subsonic air
18 speeds. We anticipate the F-22 will fly
19 approximately 6 sorties or missions per day by the
20 end of 2002, 8 sorties per day between fiscal year
21 2003 and 2007, and 17 sorties per day from 2008 on.

22 By 2008 4300 annual sorties would be in
23 the Nellis range complex for testing and training.
24 The 4300 sorties would represent approximately 25,800
25 sortie operations. F-22 sortie operations would

1 represent a 13 percent contribution to the total
2 Nellis range complex sortie operations under the
3 low-use scenario, and a 9 percent contribution under
4 the high-use scenario.

5 A major range and test facility base is a
6 national asset that is sized, operated, and
7 maintained primarily for DOD test evaluation support
8 mission, but is also available to all users having a
9 valid requirement for its capabilities, including
10 military trainers. Other bases, such as Holloman Air
11 Force Base and Edwards Air Force Base, have major
12 range and test facility base components, but none
13 meet all of the requirements for the FDE program and
14 weapons school. These requirements include
15 appropriate range instrumentation, threat simulation,
16 support for large force training exercises, an
17 integrated battle space environment, and suitable
18 existing infrastructure. When measured against this
19 criteria, Nellis provided the only logical solution
20 for the F-22 FDE program and weapons school.

21 No other base offers the specific physical
22 or organizational infrastructure necessary to support
23 unique requirements of the F-22 FDE program and
24 weapons school. Nellis Air Force Base and its ranges
25 and airspace already exist and meet the F-22 testing

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1 and training program needs. Nellis Air Force Base
2 also offers the synergy of interaction with the
3 current Air Force FDE program and weapons school.

4 Now I will turn the microphone over to Jim
5 Campe, who will discuss the environmental process.

6 MR. CAMPE: Thank you. I'll highlight
7 three areas of this process for you tonight: The
8 National Environmental Policy Act, a summary of the
9 potential environmental impacts that may result from
10 the proposed action, and the schedule of upcoming
11 events.

12 NEPA is the federal government's
13 declaration of the United States environmental policy
14 and requires us to consider the environmental
15 consequences of major federal actions. Our role is
16 to inform the public and Air Force decision makers of
17 potential environmental impacts that may result from
18 his or her decisions. This is a well-defined
19 process, and this slide shows some of the ways we are
20 fulfilling NEPA requirements.

21 A notice of intent to take this EIS was
22 published in the federal register in August of '97
23 and in various newspapers in the region. Public
24 involvement includes scoping meetings in '97 as well
25 as the public hearings we are holding this month.

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1 The draft EIS is made available for a 45 day comment
2 period and the final EIS will incorporate changes to
3 the document and address public comments. We have
4 also contacted many local, state, federal, and tribal
5 agencies during the process and will continue to work
6 with them while completing our work.

7 NEPA also requires that agencies analyze a
8 no-action alternative. The no-action alternative in
9 this case means the F-22 aircraft beddown and its
10 associated actions would not occur at Nellis Air
11 Force Base. Flying activities and supporting
12 missions currently taking place at the installation
13 and Nellis range complex would continue at existing
14 levels.

15 To summarize the earlier discussions, the
16 Air Force proposes to take the following actions at
17 Nellis: Station and separate 17 F-22 aircraft over a
18 seven-year period starting in 2002, increase
19 personnel by approximately 370, and make facility
20 improvements over several years starting in 2000.

21 The draft EIS has analyzed impacts to the
22 12 resource categories shown on the slide. For the
23 installation and surrounding community and Nellis
24 range complex.

25 The no-action alternative would not alter

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1 current operations or infrastructure for the base or
2 the Nellis range complex, so it would not result in
3 any changes to current environmental conditions and
4 would not be addressed as I go through the resource
5 categories.

6 Public scoping raised concerns about the
7 potential impacts of subsonic noise and land use
8 around Nellis Air Force Base, sonic booms in the
9 Nellis range complex, air quality associated with the
10 base and environmental justice around the base. Each
11 of these concerns is thoroughly addressed in the
12 EIS. The following slides summarize the findings.

13 Approximately 4500 F-22 flights, or 9,000
14 takeoffs and landings, would occur annually from the
15 base when all 17 of the aircraft will be at the
16 installation in 2008. This represents an increase of
17 approximately 13 percent over current levels at the
18 base. The majority of F-22 flights would occur
19 between 7:00 a.m. and 10:00 p.m., with approximately
20 275 of the flights each year occurring between
21 10:00 p.m. and 7:00 a.m.

22 The noise levels due to the F-22 beddown
23 is compared against the actual noise levels of
24 current conditions as measured during a 1997 noise
25 study. The F-22 operations in the Nellis airfield

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1 environment would be expected to result in increased
2 noise levels relative to current conditions. The
3 increase over current baseline conditions would not
4 exceed 2 decibels in most cases and generally occur
5 in open lands. About 22,800 people currently live in
6 areas above 65 decibels. Under the proposed action,
7 approximately 37,750 people would be within the noise
8 level zones above 65 decibels. However, the noise
9 contours from Clark County zoning regulations were
10 used for determining potential impacts to land use.
11 Projected noise levels would be within acceptable
12 recommendations for industrial, commercial and open
13 land uses according to the Clark County zoning
14 regulations. These regulations have been enacted to
15 restrict residential use in areas affected by
16 aircraft noise around the base since 1996 and are
17 based on a 1992 noise study.

18 The F-22 would operate at supersonic
19 speeds approximately 10 percent of the time while
20 flying air combat maneuvers. All supersonic activity
21 would occur within the Nellis air range complex and
22 at altitudes and locations already authorized for
23 supersonic flight.

24 Overall average noise levels in the Nellis
25 range complex would increase by 1 decibel or less to

1 a maximum daylight average of 60 decibels. There
 2 would be a small increase in the average number of
 3 sonic booms in the Elgin and Coyote Military
 4 Operating Area, or MOA. The average number of sonic
 5 booms would increase from approximately 20 sonic
 6 booms per month to approximately 24 per month in the
 7 Elgin MOA and from about four sonic booms per month
 8 to approximately 10 per month in the Coyote region.

9 Emissions of air pollutants into the area
 10 encompassing Nellis Air Force Base would increase
 11 under implementation of the proposed action, but
 12 would not cause a significant impact to air quality.
 13 The carbon monoxide and other emissions produced by
 14 the F-22 aircraft, associated support equipment,
 15 construction activities, and increased personnel,
 16 would not result in or contribute to exceedences of
 17 the air quality standards. The F-22 beddown would
 18 increase the amount of carbon monoxide and PM10 dust
 19 contributed by Nellis Air Force Base activities to
 20 the area by approximately one-tenth of 1 percent.

21 As stated before, with the implementation
 22 of the proposal, the air affected by noise levels of
 23 65 decibels or greater would increase around the
 24 base. The county averages of minority and low income
 25 populations are 25 and 11 percent respectively.

1 Currently, the minority population affected is 26
 2 percent of the total population above 65 decibels.
 3 Under the proposed action, the percentage of
 4 minorities affected would increase to 27 percent.
 5 Similarly, the low-income population affected is 11
 6 percent and would increase to 19 percent. Minority
 7 populations are already disproportionately impacted
 8 and low-income population would become
 9 disproportionately impacted.

10 I've just highlighted some of the more
 11 important environmental issues for you tonight.
 12 Additional analysis is contained in the draft EIS.

13 A notice of availability of the draft EIS
 14 for the F-22 beddown was published in the Federal
 15 Register on June 18th, 1999. This started a 45 day
 16 public comment period that will close on August 2nd,
 17 1999. We will prepare and distribute a final EIS in
 18 October of '99. After a 30 day waiting period, the
 19 Air Force will make a decision on whether or not to
 20 proceed with the proposed action. I am confident
 21 that the comments we hear tonight and throughout the
 22 comment period will continue to help us assist Air
 23 Force leadership to consider environmental issues in
 24 their decision making.

25 That concludes my portion of the

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17

1 presentation. Thank you for your attention.

2 THE HEARING OFFICER: Thank you for your
3 presentations, Major Torba and Mr. Campe.

4 Before we take a brief break and then
5 proceed with the main portion of the hearing, your
6 public comments on the draft EIS, I'd like to explain
7 the ground rules for the public comment period.
8 First, has everyone that wants to speak turned in a
9 comment card like this? If you have not, please
10 raise your hand and we will get you one. Have we got
11 everybody?

12 We do have a court reporter here tonight
13 who will record word for word everything that is
14 said. The verbatim record he produces will become
15 part of the final environmental impact statement.
16 This will allow the preparers to review the record
17 and your inputs as they were stated so they can make
18 sure your comments are accurately and completely
19 addressed in the environmental process. With that in
20 mind, please help me in ensuring the ground rules for
21 tonight's hearings are followed.

22 First, please speak only after I recognize
23 you and please address your remarks to me. If you
24 have a written statement, you may leave it just right
25 up here next to the view graph, or you may read it

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18

1 out loud, or both, as long as the time limitations
2 are observed.

3 Second, please speak clearly and slowly so
4 that the court reporter can get everything down. And
5 please identify yourself first, starting with your
6 name, where you're from, and the capacity in which
7 you appear. For example, you should state whether
8 you are a public official, a designated
9 representative of a group, or if you are expressing
10 your personal views as an interested citizen. This
11 will help the court reporter prepare the transcript
12 of the hearing.

13 Third, please observe the time limits.
14 Each person will be allowed five minutes to speak. I
15 will call on any government or elected officials
16 present to speak first, followed by members of the
17 general public, who will be called upon in a random
18 order from the cards that you signed in on. The five
19 minute time limit applies to public officials and
20 spokespersons, as well as individuals speaking for
21 themselves. When you have reached your allotted
22 time, I'll let you know, but I will allow you to
23 quickly finish up your thoughts before we move to the
24 next speaker.

25 Fourth, out of respect for others who want

1 to be heard, please honor any requests that I make of
2 you to stop speaking after your allotted time. If
3 you judge that you have more comments than you can
4 present in five minutes, please take time now to
5 prioritize them so that the most important comments
6 are spoken first. If you later decide you have more
7 comments following this meeting or have additional
8 considerations you wish to have addressed, you can
9 and should provide them in writing, either at
10 tonight's hearing or by mail. If we have time, we
11 may be able to come back to you and let you finish up
12 remarks if I have to cut you off.

13 Fifth, please do not speak while any other
14 person is speaking. Only one person will be
15 recognized at a time.

16 And, finally, I'd like to remind you to
17 limit your comments to the draft EIS, as that is the
18 purpose of this public comment period. I would like
19 to suggest that you avoid repeating what another
20 speaker has just said. There's certainly nothing
21 inappropriate about agreeing with the other speakers,
22 but repeating the same thing unnecessarily delays
23 others from making their comments.

24 The court reporter, as I said, will be
25 recording everything verbatim that is said tonight.

1 Please leave any extra copies of your remarks with
2 him, with the correct spelling of any names or places
3 which you may mention. The transcripts of the
4 proceedings will become part of the record of this
5 hearing and will be included in the final
6 environmental impact statement. The reporter will be
7 able to make a complete record only if he can hear
8 and understand what you say. So please speak
9 slowly and clearly and loud enough for each person in
10 the room to hear.

11 Now, we're scheduled for about a 10 minute
12 break, but I don't think it will take me nearly that
13 long to get the cards from the folks who took them
14 in. And why don't we take a couple minutes break
15 here while I get those cards and figure out if we
16 have any public officials here that I should call on
17 first, and then I'll shuffle the cards and call on
18 folks randomly. We'll take a break.

19 (Whereupon, a recess was taken
20 at 7:26 p.m. to 7:35 p.m.)

21 THE HEARING OFFICER: Okay. If I could
22 get the folks to start to their seats, I would like
23 to start up again. I got a grand total of three
24 cards from folks indicating they wanted to speak.
25 Let me start out by calling on Calvin Meyers.

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21

R-1

1 **000015** MR. MEYERS: Hi. My name is Calvin
 2 Meyers. I'm a member of the Moapa Valley Piutes.
 3 I'm the environmental coordinator for our tribe. My
 4 comments are that even though you give us five
 5 minutes to talk, I have less than a half an hour to
 6 look at your book. So, I'm sorry, that's not enough
 7 time. I'm not that smart. I don't think anybody
 8 else is neither.

9 You're talking about -- I'm going to talk
 10 because I haven't read the book. But there are
 11 things that you are going to impact culturally to
 12 us. There are cultural sites out there from what
 13 they call petroglyphs to the pine nuts that grow that
 14 we pick, your diesel fuel will be spread out on
 15 them. The fumes that come out of your planes come
 16 out on them, and that will affect us. And that is
 17 part of who we are. And I know you people don't
 18 understand that.

R-42

19 And my comments tonight I do not want them
 20 to be construed as a check mark to saying that you
 21 can talk to the Moapa Valley Piutes, because you
 22 haven't. When you speak to the Moapa Valley Piutes,
 23 you speak to the tribal council. They are the people
 24 that make the law on their lands.

R-43

25 And -- and I really don't like people

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22

1 telling me what I can talk about. And in my mind
 2 that's what kind of was told to me. I want to write
 3 some stuff up, I want to get some help with some
 4 other people.

5 And another comment, I guess my last one,
 6 is that you people may have had years to write this
 7 book. We have days to look at it and read it, and
 8 yet it is going to impact us for years to come. This
 9 is not the only EIS or draft EIS that is out there
 10 today. There are at least two to three more. And we
 11 as a tribe do not have the manpower you do to read
 12 these books and comment on them and these things that
 13 you shove down our throats.

14 Thank you.

15 THE HEARING OFFICER: Thank you. Harry
 16 Adams.

R-1

17 **000016** MR. ADAMS: I am Dr. Harry Adams, and I'm
 18 from the local community. I heard my source is the
 19 Fox Business News this morning at 5 o'clock, and I
 20 would like to have your comment on their comment that
 21 Congress was planning to cancel the funding for the
 22 F-22.

R-40

23 THE HEARING OFFICER: Sir, I can't comment
 24 on that. Maybe one of the representatives is able to
 25 say something, or maybe it's something that is best

1 addressed in the final environmental impact
2 statement.

3 MAJOR TORBA: I did not know that. I am
4 not aware that they are going to cancel it. It's the
5 first I heard.

6 MR. CAMPE: Basically they have until
7 August 2nd before the final end of the comment
8 period, and by the time we start working on the
9 final. So if anything comes up between now and then,
10 we can certainly put it in the document.

11 THE HEARING OFFICER: Okay. And Dennis
12 Brewster.

R-1 13 **000017** MR. BREWSTER: Yes, sir. My name is
14 Dennis Brewster. I'm representing myself. And the
15 comments all I have are more on the positive for the
16 program. We want the program to come to Nellis. I
17 live almost right in Nellis's back door. So I enjoy
18 that.

19 The only concern I would like to raise is
20 the buffer zone that there is development back right
21 back where Nellis is. I would like to see the Air
22 Force work with the Clark County Commission to stop
R-41 23 the development homes back there so there's a buffer
24 in case there is an accident where an aircraft has to
25 come back around and it can't make it back to the

R-41

1 landing and eject safely and not impact any homes,
2 just the desert. Sometimes it happens. Accidents do
3 happen. Equipment failures do happen. It's part of
4 life.

5 That's all I have.

6 THE HEARING OFFICER: Thank you. Anybody
7 else change their mind and decide that they do want
8 to add any comments to the record? And, Mr. Meyers,
9 you didn't take five minutes, and certainly with the
10 low number of comments, if there's anything at all
11 else that you want to add tonight, go right ahead.

12 Sir.

R-1

13 **000018** MR. PERMENTER: I'd like to make a
14 comment. I wasn't here at the start of the meeting.

15 THE HEARING OFFICER: Could I have your
16 name, sir.

17 MR. PERMENTER: Robert Permenter,
18 P-e-r-m-e-n-t-e-r.

19 THE HEARING OFFICER: Thank you.

20 MR. PERMENTER: I moved here in '78,
21 bought a house right down the street here in 1981,
22 live in the same place. And if people were worrying
23 about noise, and all that other kind of things, I
24 don't even hear them. No planes, no takeoffs, no
25 nothing, night and day or otherwise. So it's maybe

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25

1 because I spent 27 years in the Air Force. But this
2 is the only -- the only place where they test and do
3 this type of activities out here, and people say,
4 Well, what's this going to do to my house or my
5 hearing, or things like this? And I don't see it's
6 going to do anything. I've been able to live through
7 it living out here.

8 I'm 69 years old, but it doesn't worry me
9 in the least. And some of the young folks that
10 bought houses over here, all they got to do is look
11 around, they can see what Nellis is because there's
12 planes flying 24 hours a day. And anybody who builds
13 a house and they're worrying about the area or
14 whether they're going to have a buffer zone between
15 it makes the decision when they sign the paper. And
16 I don't work for a real estate company either.

17 Anyway, that's all I got to say.

18 THE HEARING OFFICER: Thank you. Anybody
19 else?

20 Well, ladies and gentlemen, if nobody
21 wants to comment, that will conclude the public
22 hearing for tonight. I want to thank you for your
23 participation. Please remember that the public
24 comment period will extend through August 2nd of
25 1999. Comments may be submitted in writing through

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1 that date. Air Force officials will remain available
2 for a short time here, as long as there is sufficient
3 interest, to answer your questions.

4 I want to thank you. Good night. This
5 hearing is adjourned at 7:41 p.m.
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REPORTER'S CERTIFICATE

STATE OF NEVADA)

) ss

COUNTY OF CLARK)

I, Robert Stanley, Certified Shorthand Reporter, do hereby certify that I took down in Stenotype all of the proceedings had in the before-entitled matter at the time and place indicated and that thereafter said shorthand notes were transcribed into typewriting at and under my direction and supervision and that the foregoing transcript constitutes a full, true and accurate record of the proceedings had.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in my office in the County of Clark, State of Nevada, this

21st day of July, 1999.

Robert Stanley

Robert Stanley, RPR
CCR No. 330

ORIGINAL

F-22 BEDDOWN AT NELLIS AIR FORCE BASE

ENVIRONMENTAL IMPACT STATEMENT

PUBLIC HEARING MEETING

Held at the Caliente Youth Facility
Highway 93 North
Caliente, Nevada

On Wednesday, July 14, 1999
At 7:00 p.m.

Presiding: Colonel Michael B. McShane,
Hearing Officer

Reported by: Janie L. Olsen, RPR
CCR No. 406

P R O C E E D I N G S

1
2
3 HEARING OFFICER: Good evening, ladies and
4 gentlemen. I'm Colonel Mike McShane; I'll be the
5 hearing officer for this public hearing this
6 evening. This public hearing is the second in a
7 series of three hearings on the Air Force proposal to
8 locate F-22 aircraft at Nellis Air Force Base.

9 This public hearing this evening serves to
10 fulfill the requirements under the National
11 Environmental Policy Act, and you may hear some of us
12 call that NEPA tonight, and its implementing
13 regulations. To be clearer, our sole purpose for
14 being here tonight is to receive the public's
15 comments; that is, your comments on the draft
16 environmental impact statement, which is commonly
17 referred to as a draft EIS, or just as the DEIS.
18 I've got a copy of it here. It's about an inch and a
19 quarter thick.

20 Before moving forward with an overview
21 briefing of the contents of that document, I would
22 like to explain my role in the proceeding this
23 evening to help you better understand the process. I
24 am an Air Force officer, obviously, but I'm also an
25 attorney currently assigned at Bolling Air Force Base

1 in the District of Columbia. As the chief trial
2 judge of the United States Air Force, my usual duties
3 involve supervising 20 Air Force military judges and
4 also involve presiding over Air Force criminal trials
5 or courts-martial occurring at Air Force bases
6 anywhere in the world. I am not assigned to, and
7 have no connection with, either Nellis Air Force
8 Base, or Air Combat Command, the proponents of the
9 draft EIS we will be considering tonight.

10 Also, I have had no involvement in the
11 development of this draft EIS, and am not here to
12 serve as a legal advisor to the Air Force or the
13 proponents of the proposal. I tell you this so that
14 you will understand that my role as hearing officer
15 is simply to ensure that we have a fair, orderly, and
16 impartial hearing, and that all who desire to be
17 heard have an opportunity to speak. In summary, I
18 serve as an impartial moderator of this hearing.

19 The hearing will be conducted in three
20 parts, and you've got a slide show over here. First,
21 Major Torba will make a presentation on the proposed
22 action. Next, Mr. Jim Campe will provide an overview
23 of the National Environmental Policy Act, as well as
24 a summary of the potential environmental impacts of
25 the proposal. The third part of the hearing, after

1 we take a very brief moment to get the cards from the
2 staff here, will be your opportunity to provide, for
3 the record, comments on the draft EIS. We do it this
4 way, briefings and then comments, so that you may be
5 better informed as you offer your remarks.

6 The 45-day public comment period for this
7 proposal began June 18th, 1999, and runs through
8 August 2nd, 1999, based on inputs the Air Force
9 receives during this period, either in writing, or
10 from the public hearings such as tonight's,
11 additional analyses will be conducted, evaluated
12 and/or performed, and changes will be made to the
13 draft EIS, where appropriate. In fact, the draft EIS
14 has already been shaped by public comments submitted
15 during the scoping process.

16 Throughout this hearing, I ask that you
17 keep in mind that this public hearing is not designed
18 to be a debate, nor is it a popularity vote on the
19 draft EIS, nor is it primarily designed as a question
20 and answer session, although clarifying questions
21 asked as part of your comment may be appropriate.
22 This hearing is also not a time set aside for you to
23 use your comment time to personally attack those
24 whose views may be different from your own.

25 This hearing is primarily about the

1 adequacy of the environmental analysis and the
2 environmental impacts associated with the proposal.
3 Concerns about nonenvironmental issues should not be
4 raised at this hearing. They will not add anything
5 to the record and may limit the opportunities of
6 others to provide comments on the draft EIS
7 analysis.

8 You can comment at this hearing in one of
9 three ways: On comment sheets, for those of you who
10 would like to write out your comments by hand. You
11 can pick one up at the door or you can get one over
12 at the table if you want one. You can make your
13 comment orally during the public comment period a
14 little later on, or you could make them directly to
15 the court reporter following the general comment
16 session. People wanting to make oral comments this
17 evening should have noted that on the attendance card
18 you filled out when you came in this evening. It
19 looks like this and you had a place where you could
20 indicate if you wanted to speak. If you did not fill
21 out a card for some reason or did not indicate that
22 you wanted to speak but you changed your mind just
23 let us know and we'll get you up to speak.

24 For those wishing to comment in writing to
25 the Air Force about the proposal, your written

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1 comments should be sent to the address which is shown
2 on this slide.

3 Also, if you would like to submit more
4 detailed written comments to supplement any verbal
5 comments you make tonight, the address for doing that
6 is located on that written comment sheet that you
7 either got or can pick up over at the table. Written
8 comments will be accepted at that address through the
9 mail until August 2nd, 1999. It is important to note
10 that all comments, whether you make them orally
11 tonight or provide them in writing tonight or later
12 on are given equal consideration.

13 At this time the Air Force representative,
14 Major Torba, will give his presentation.

15 Major Torba.

16 MAJOR TORBA: Good evening. My name is
17 Major Gregory Torba. I work in the Air Security
18 Office at Langley Air Force Base. My portion of the
19 presentation will address some general
20 characteristics of the F-22, why the Air Force is
21 proposing to station the F-22 at Nellis, and then
22 I'll give a brief description of the proposed
23 action.

24 The F-22 is the next generation,
25 multi-mission air superiority fighter, supplementing

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1 the aging F-15C/D fleet. Designed to meet the combat
2 requirements well into the future, it will have the
3 ability to effectively control the air arena, thus
4 providing our air, ground, and sea forces with the
5 freedom to conduct operations against opposing
6 forces. The aircraft will have stealth
7 characteristics, will fly at supersonic speeds
8 without afterburner, and will possess increased
9 maneuverability over any current or projected
10 aircraft. It will also be capable of carrying
11 state-of-the-art fighter weaponry.

12 The Air Force proposes to base, or beddown
13 the F-22 aircraft and to implement force development
14 evaluation, FDE, program and weapons school at Nellis
15 Air Force Base in Nevada. The force development
16 evaluation missions will test and develop combat
17 tactics for the F-22, and the weapons school ensures
18 those tactics are passed on to the operational units
19 through the pilots completing the advanced training
20 offered by the school. Air Combat Command is
21 responsible for implementing the F-22 force
22 development evaluation program and weapons schools.
23 Nellis Air Force Base represents the only ACC base
24 with major range and test facility base components
25 that meets the requirements for the F-22 force

1 development evaluation program and weapons schools.

2 The display in the front of the room on my
3 right depicts the area where the F-22 will operate.

4 The Nellis Air Force range complex has been used
5 continuously by the military for more than 50 years
6 to conduct flying training exercises similar to the
7 ones envisioned for the F-22.

8 For all new aircraft, like the F-22, the
9 Air Force is required by law and policy to develop
10 the aircraft's war combat capabilities to provide for
11 successful F-22 force development evaluation program
12 and weapons school development activities. The Air
13 Force proposes to beddown this aircraft at Nellis Air
14 Force Base. This Air Force base and its associated
15 airspace and range complex are the only Air Force
16 sites truly capable of providing the specific
17 requirements needed for the F-22 FDE program and
18 weapons school without major changes to the airspace,
19 land resources, and base infrastructure. The Air
20 Force proposes to base in three phases, a total of 17
21 F-22 aircraft at Nellis Air Force Base between the
22 years 2002 and 2008. 367 personnel would be added to
23 the installation between fiscal year 2001 and 2007.

24 The proposed action entails facility
25 construction activities on Nellis Air Force Base over

1 about a six-year period starting in fiscal year
2 2000. New facilities would include a hangar, a
3 dormitory, and an aircraft parts warehouse. More
4 detailed information on the facilities to be
5 constructed or improved is presented on one of the
6 displays up here in the front and is discussed in
7 detail in the draft environmental impact statement.

8 It is anticipated that eight of the
9 aircraft would be assigned to the operational test
10 and evaluation squadron and the remaining nine would
11 be assigned to the United States Air Force Weapons
12 School program at Nellis Air Force Base. Flight
13 tracks to and from the base and operations over the
14 Air Force range complex will be similar to the
15 existing fighter operations such as the F-15.

16 The vast majority of the flights over the
17 Nellis range complex will be conducted at 10,000 feet
18 or more above ground level, AGL, at subsonic air
19 speeds. We anticipate the F-22 will fly
20 approximately 6 sorties or missions per day by the
21 end of 2002, 8 sorties per day between fiscal year
22 2003 and 2007, and 17 sorties per day from 2008 on.

23 By 2008 4300 annual sorties would be in
24 the Nellis range complex for testing and training.
25 The 4300 sorties would represent approximately 25,800

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10

1 sortie operations. F-22 sortie operations would
2 represent a 13 percent contribution to the total
3 Nellis range complex sortie operations under the
4 low-use scenario, and a 9 percent contribution under
5 the high-use scenario.

6 A major range and test facility base is a
7 national asset that is sized, operated, and
8 maintained primarily for DOD test evaluation support
9 mission but is also available to all users having a
10 valid requirement for its capabilities including
11 military trainers. Other bases, such as Holloman Air
12 Force Base and Edwards Air Force Base, have major
13 range and test facility base components, but none
14 meet all of the requirements for the force
15 development evaluation program and weapons school.
16 These requirements include appropriate range
17 instrumentation, threat simulation, support for large
18 force training exercises, an integrated battle space
19 environment, and suitable existing infrastructure.
20 When measured against this criteria, Nellis provided
21 the only logical solution for the F-22 force
22 development evaluation program and weapons school.

23 No other base offers the specific physical
24 or organizational infrastructure necessary to support
25 unique requirements of the F-22 force development

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1 evaluation program and weapons school. Nellis Air
2 Force Base and its ranges and airspace already exist
3 and meet the F-22 testing and training program
4 needs. Nellis Air Force Base also offers the synergy
5 of interaction with our current Air Force force
6 development evaluation program and weapons school.

7 At this time I would like to introduce Jim
8 Campe who will discuss the environmental process.

9 MR. CAMPE: Thank you. I'll highlight
10 three areas of this process for you tonight: The
11 National Environmental Policy Act, a summary of the
12 potential environmental impacts that may result from
13 the proposed action, and the schedule of upcoming
14 events.

15 NEPA is the federal government's
16 declaration of the United States environmental policy
17 and requires us to consider the environmental
18 consequences of major federal actions. Our role is
19 to inform the public and Air Force decision-makers of
20 the potential environmental impacts that may result
21 from his or her decisions. This is a well-defined
22 process, and this slide shows some of the ways we are
23 fulfilling NEPA requirements.

24 A notice of intent to undertake this EIS
25 was published in the Federal Register in August of

1 '97 and in various newspapers in the region. Public
2 involvement includes scoping meetings in 1997 as well
3 as the public hearings we are holding this month.
4 The draft EIS is made available for a 45-day public
5 comment period, and the final EIS will incorporate
6 changes to the document and address public comments.
7 We have also contacted many local, state, federal,
8 and tribal agencies during the process and will
9 continue to work with them while completing our
10 work.

11 NEPA also requires that agencies analyze a
12 no-action alternative. The no-action alternative in
13 this case means the F-22 aircraft beddown and its
14 associated actions would not occur at Nellis Air
15 Force Base. Flying activities and supporting
16 missions currently taking place at the installation
17 and the Nellis range complex would continue at
18 existing levels.

19 To summarize Major Torba's earlier
20 discussion, the Air Force proposes to take the
21 following actions at Nellis: Station and operate 17
22 F-22 aircraft over a seven-year period starting in
23 2002, increase personnel by approximately 370, and
24 make facility improvements over several years
25 starting in 2000.

1 The draft EIS has analyzed impacts to the
2 12 resource categories shown on the slide for the
3 installation and surrounding community and Nellis
4 range complex.

5 The no-action alternative would not alter
6 current operations or infrastructure for the base or
7 the Nellis range complex, so it would not result in
8 any changes to current environmental conditions and
9 would not be addressed as I go through the resource
10 categories.

11 Public scoping raised concerns about the
12 potential impacts of subsonic noise and land use
13 around Nellis Air Force Base, sonic booms in the
14 Nellis range complex, air quality associated with the
15 base and environmental justice around the base. Each
16 of these concerns is thoroughly addressed in the
17 EIS. The following slides summarize the findings.

18 Approximately 4500 F-22 flights, or 9,000
19 takeoffs and landings, would occur annually from the
20 base when all 17 of the aircraft would be at the
21 installation in 2008. This represents an increase of
22 approximately 13 percent over current levels at the
23 base. The majority of F-22 flights would occur
24 between 7:00 a.m. and 10:00 p.m., with approximately
25 275 of the flights each year occurring between

1 10:00 p.m. and 7:00 a.m.

2 The noise levels due to the F-22 beddown
3 is compared against the actual noise levels of
4 current conditions as measured during a 1997 noise
5 study. The F-22 operations in the Nellis airfield
6 environment would be expected to result in increased
7 noise levels relative to current conditions. The
8 increase over current baseline conditions would not
9 exceed 2 decibels in most cases and generally would
10 occur in open lands. About 22,800 people currently
11 live in areas above 65 decibels. Under the proposed
12 action, approximately 37,750 people would be within
13 noise zones above 65 decibels. However, the noise
14 contours from Clark County zoning regulations were
15 used for determining potential impacts to land use.
16 Projected noise levels would be within acceptable
17 recommendations for industrial, commercial and open
18 land uses according to the Clark County zoning
19 regulations. These regulations have been enacted to
20 restrict residential use in areas affected by
21 aircraft noise around the base since 1996 and are
22 based on a 1992 noise study.

23 The F-22 would operate at supersonic
24 speeds approximately 10 percent of the time while
25 flying air combat maneuvers. All supersonic activity

1 would occur within the Nellis range complex airspace
2 and at altitudes and locations already authorized for
3 supersonic flight.

4 Overall combined noise levels in the
5 Nellis range complex would increase by 1 decibel or
6 less to a maximum daylight average of 60 decibels.
7 There would be a small increase in the average number
8 of sonic booms in the Elgin and Coyote Military
9 Operating Area, or MOA. The average number of sonic
10 booms would increase from approximately 20 sonic
11 booms per month to approximately 24 per month in the
12 Elgin MOA and from about 4 sonic booms per month to
13 approximately 10 per month in the Coyote MOA.

14 Emissions of air pollutants into the area
15 encompassing Nellis Air Force Base would increase
16 under the implementation of the proposed action but
17 would not cause a significant impact to local air
18 quality. The carbon monoxide and other emissions
19 produced by the F-22 aircraft, associated support
20 equipment, construction activities, and increased
21 personnel, would not result in or contribute to
22 exceedences of air quality standards. The F-22
23 beddown would increase the amount of carbon monoxide
24 and PM10 dust contributed by Nellis Air Force Base
25 activities to the area by approximately one-tenth of

1 1 percent.

2 As stated before, with the implementation
3 of the proposal, the air affected by noise levels of
4 65 decibels or greater would increase around the
5 base. The county averages of minority and low income
6 populations are 25 and 11 percent respectively.
7 Currently, the minority population affected is 26
8 percent of the total population above 65 decibels.
9 Under the proposed action, the percentage of
10 minorities affected would increase to 27 percent.
11 Similarly, the low-income population affected is 11
12 percent and would increase to 19 percent. Minority
13 populations are already disproportionately impacted
14 and low-income population would become
15 disproportionately impacted.

16 Nellis Air Force Base currently employs
17 noise abatement procedures around the base, include
18 an expedited climb outs for all aircraft and
19 restrictions on the time and direction of flight
20 activity. These procedures would also apply to F22
21 flying activities.

22 I've highlighted some of the more
23 important environmental issues for you tonight.
24 Additional analysis is contained in the draft EIS.

25 A notice of availability of the draft EIS

1 for the F-22 beddown was published in the Federal
2 Register on June 18th, 1999. This started a 45-day
3 public comment period that will close on August 2nd,
4 1999. We will prepare and distribute a final EIS in
5 October of '99. After a 30-day waiting period, the
6 Air Force will make a decision on whether or not to
7 proceed with the proposed action. I am confident
8 that the comments we hear tonight and throughout the
9 comment period will continue to help us assist Air
10 Force leadership to consider environmental issues in
11 their decision-making.

12 That concludes my portion of the
13 presentation. Thank you for your attention.

14 THE HEARING OFFICER: Thank you Major
15 Forba and Mr. Campe.

16 Folks, the public comments on the draft
17 EIS is the next portion of this evening's events. We
18 do have a court reporter here who will record word
19 for word everything that is said. This verbatim
20 record will become a part of the final EIS. This
21 will allow the preparers to review the record and
22 your inputs as they were stated so they can make sure
23 your comments are accurately and completely addressed
24 in the environmental process. With that in mind,
25 please help me in ensuring the ground rules for

1 tonight's hearing are followed.

2 First, please speak only after I recognize
3 you and please address your remarks to me. If you
4 have a written statement, you may leave it, I guess
5 on the chair next to the podium would be a good place
6 or you may read it out loud or both.

7 Second, please speak clearly and slowly
8 and please identify yourself first, starting with
9 your name, where you're from, and the capacity in
10 which you appear. For example, you should state
11 whether you are a public official, a designated
12 representative of a group, or if you are expressing
13 your personal views as an interested citizen. This
14 will help the court reporter prepare the transcript
15 of the hearing.

16 We don't have a large crowd tonight so I'm
17 not going to set any kind of a time limit, but I
18 would ask that you keep any of your comments relative
19 to the subject here tonight.

20 Please do not speak while another person
21 is recognized and speaking. Only one person will be
22 recognized at a time.

23 And I'd like to remind you to limit your
24 comments to the draft EIS as that is the purpose of
25 this public comment period. I would suggest that you

1 avoid repeating what another speaker may have just
2 said. There's certainly nothing inappropriate about
3 agreeing with the other speakers but repeating the
4 same thing unnecessarily delays others from making
5 their comments.

6 If you have an extra copy of any written
7 presentation that you read from and want to leave it
8 for the court reporter, I know she would appreciate
9 that. It will help her get the correct spelling of
10 any names or places you might mention.

11 The transcripts of these proceedings will
12 become part of the record of the hearing and will be
13 included in the final EIS. The reporter will be able
14 to make a complete record only if she can hear and
15 understand what you say. So please speak clearly and
16 slowly and loud enough so that everybody in the room
17 can hear you.

18 Let me call for the cards now. Before I
19 call on anybody to speak, I understand we have
20 Mr. Paul Donahue here who is from Lincoln County. He
21 is a Lincoln County commissioner and Mrs. Victoria
22 Kilpatrick, from Lincoln County Regional Development
23 Authority is here as well.

24 I've got three folks who have indicated
25 they wanted to speak so far and one maybe. Let me

R-1

1 call on Marjorie Detraz. I hope I pronounced that
 2 close to right. Detraz?
 3 **000019** MS. DETRAZ: Yes. My name is Marjorie I.
 4 Detraz, D-e-t, as in Tom, r-a-z, as in zebra. I'm a
 5 resident of Alamo in the Pahrnagat Valley. I'm also
 6 a native Lincoln Countyite, and I am a native
 7 Nevadan. This was the very thing I hoped wouldn't
 8 happen that I'd be number one to speak, but so be
 9 it. I'm just speaking extemporaneously tonight. My
 10 husband is retired military. He's retired from the
 11 Air Force, spent 22 years in the Air Force. At the
 12 present time he has been diagnosed with Parkinson's
 13 otherwise he would be with me here tonight.

14 I married my husband after he was retired,
 15 but, you know, I saw so many characteristics in him
 16 that I admired and loved so much that I used to ask
 17 him about the Air Force and about the military, and I
 18 said, Did you like the military; and you know most
 19 people say, boy, they couldn't wait to get out. He
 20 said to me the military gave me a lot of
 21 opportunities, and I tried to take advantage of every
 22 one of them. I believe that he, knowing him as I do,
 23 that he gave the Air Force and his country a hundred
 24 and ten percent for 22 years. In fact, he retired
 25 from Nellis Air Force Base.

1 I found a little poem that I thought maybe
 2 might be appropriate. It's called Duty To Self.

3 Got to be fit. Got to be fit in body
 4 and soul for the great work of the day. Got
 5 to be fit and fine and clean to toil in the
 6 mightiest way. Got to be captain of self and
 7 strong in the will of a purpose high. To
 8 lead in the labor of life's best hour 'neath
 9 the glow of a stainless sky.

10 Got to be true to a high ideal and to
 11 live and to fashion your life in a way that
 12 is fit for the grueling test of a tuned and
 13 terrible strife. Got to be measured by
 14 standards of right as well as by those of
 15 skill. Got to be true to the laws of
 16 master -- got to be true to the laws of God
 17 and master of soul and will.

18 That came from the Baltimore Sun.

19 Yesterday morning I was awakened by the
 20 sound of aircraft over Pahrnagat Valley, and I knew
 21 of course it was the airplanes, and thank goodness no
 22 sonic booms yesterday. But I jumped out of bed, and
 23 I was in my pajamas, and I went out on my front
 24 porch, and I looked up at the sky, and it was so
 25 beautiful. There was the blue sky and the white

1 clouds and the sun shining through now and then, and
2 I could hear the aircraft, but I could not locate
3 them at all. And finally out of, I'd say out of the
4 blue, here came two aircraft flying. And as I looked
5 up there I have to tell you I'm about one of the most
6 patriotic people you've ever seen in your life; I was
7 taught that from the day I was born by my parents,
8 but anyway, as I looked up in the sky and against the
9 blue sky and the white clouds I saw two of these
10 aircraft come out. And as they flew out into the
11 bright sunlight, it was like two silver bullets, and
12 I have to tell you that I just got goose bumps all
13 over.

14 I love this country. I believe our
15 country is in serious trouble right now. I see such
16 an apathy among our people about voting, about even
17 registering to vote. I feel very concerned for our
18 constitution right now. And I think that as the
19 people that this country is great because of the
20 people in this country. And I believe that we need
21 to look at that flag and realize what it stands for.
22 I don't believe one of us would trade it for another
23 flag or another country. This is a land choice above
24 all other lands. Why do we have so many people
25 immigrate here? They love America.

1 I would like to close my remarks with this
2 song, and I'm sure you've all heard it.

3 This is my country. What difference if
4 I hail from north or south or from the east
5 or west. My heart is filled with love for
6 all of these. I only know I swell with pride
7 and deep within my breast I thrill to see Old
8 Glory in the breeze. This is my country,
9 land of my birth. This is my country
10 grandest on earth. I pledge thee my
11 allegiance, America the bold, for this is my
12 country to have and to hold.

13 With hand upon my heart I thank the
14 Lord for this my native land. For all I love
15 is here within her gates. My soul is routed
16 deeply in the soil on which I stand for these
17 are mine my own United States. This is my
18 country, land of my choice. This is my
19 country, hear my proud voice. I pledge thee
20 my allegiance, America the bold, for this is
21 my country to have and to hold.

22 And I thank you very much for this
23 opportunity to speak.

24 THE HEARING OFFICER: Thank you.

25 Next call on Keith Corban.

R-1

1 000020 MR. CORBAN: Good evening. My name is
2 Keith Corban. I live near Crystal Springs, and I'm
3 representing myself tonight.

4 My chief concern is with aircraft noise
5 and specifically sonic booms. In my opinion, the
6 present level is unacceptable, and I've witnessed
7 numerous violations of what I've been told by the Air
8 Force are their own criteria for noise in the
9 restricted area I live in. I would like to thank,
10 however, Mr. Estrada and Major Torba and Mr. Campe
11 for their giving me the information this evening to
12 help me to better understand the issues involved
13 here. I hope in the future that I'll receive more
14 cooperation from the Air Force and that they'll be
15 better citizens and more trustworthy, I guess.

16 Thank you very much.

17 THE HEARING OFFICER: Thank you.

18 Next is Patti Livreri.

R-1

19 000021 MS. LIVRERI: You got it. It's Patricia
20 Livreri, L-i-v-r-e-r-i. That was easier. I'm
21 representing myself. I would like to ask a
22 question. When you said you're going to increase the
23 amount of planes and it will increase the noise, it
24 won't restrict the air space will it, for like small
25 flying crafts? Because we have a lot of people that

1 have their homemade planes that they fly. There
2 wouldn't be any problems, you wouldn't restrict the
3 air space?

4 MR. CAMPE: It's not going to change,
5 affect the air space as it is right now. The
6 airplanes are going to simulate as we currently fly.
7 So whatever it is now is the same it's going to be in
8 the future.

9 MS. LIVRERI: And you won't restrict like
10 where you increase the planes and we can't also -- we
11 can't use the land or -- so there won't be any
12 restrictions added to what you already have?

13 MR. CAMPE: That's correct. As it is
14 right now is what we're going to do.

15 MS. LIVRERI: Just more noise.

16 MR. CAMPE: Just more noise. No more
17 restricted air space or --

18 MS. LIVRERI: Restricted land use.

19 MR. CAMPE: Restricted land use, correct.

20 THE HEARING OFFICER: Carla Ward was the
21 maybe.

22 MS. WARD: No comment.

23 THE HEARING OFFICER: Decided not to?

24 MS. WARD: No. I didn't know what to
25 expect so I wanted to reserve my right to get my two

1 cents in.

2 THE HEARING OFFICER: The rest of the
3 cards I have here nobody indicated they wanted to
4 speak, but if you now seeing what we do here and
5 would like to make some comments, you're certainly
6 welcome to do so at this point.

7 Come on up, sir. Could I have your name.

R-1

8 000022 MR. BENEZET: My name is Louis Benezet. I
9 live at Prince Mine which is near Caselton in the
10 area around Pioche. I'd just like to carry on
11 perhaps a little bit over what Mr. Corban was talking
12 about because I'm also concerned about primarily
13 aircraft noise and the impacts of over flights.

14 I noticed that I think that the area
15 around Pioche is pretty much restricted to a certain
16 elevation, but around where we are, around Caselton.
17 we frequently get low-flying planes that come right
18 streaming over the houses where we live, you know,
19 which can be pretty disturbing. We get used to it
20 but especially if it happens in the early hours of
21 the morning it can be pretty intense.

R-45

22 I'm concerned about the noise, sonic
23 blasts which occur in certain areas where they're
24 allowed to fly supersonic in Lincoln County and also
25 in certain areas where they're not, and also about

1 the use of chaff and flares, which I am not convinced
2 do not represent either an environmental or public
3 health hazard. I know that flares have resulted in
4 range fires in the past, and it has been -- which has
5 caused major efforts to suppress these fires and
6 damaged grazing lands.

7 I, therefore, believe that I don't -- I
8 haven't heard anything connected with mitigation for
9 the impacts, and I suppose perhaps you have something
10 in your documents which I haven't seen the whole
11 thing, but I believe the Air Force should negotiate
12 use of the air space over the Nevada test site as an
13 alternative to using air space over public lands and
14 towns.

R-46

15 I'm also concerned about, as I said, the
16 accidental sonic booms that occur in Lincoln County
17 in areas where supersonic operations are supposedly
18 not allowed, and these have been a serious
19 disturbance to residents and those who use the public
20 lands and have resulted in both property damage and
21 personal injury in the past.

22 I think increased use of air space outside
23 the Nellis Air Force range should be accompanied by a
24 greater commitment on the part of the Air Force when
25 it comes to enforcing supersonic use restrictions.

R-47

1 Thank you very much.

2 THE HEARING OFFICER: Thank you. Anybody
3 else? Anybody at all? This is your hearing, your
4 opportunity to tell us what you think. Okay. If I
5 can't get anybody else to talk. We'll go ahead and
6 wrap up.

7 I want to thank you first for your
8 participation. Please remember that the public
9 comment period will extend through August 2nd of
10 1999, and you may submit additional comments or your
11 first comments in writing through that date.

12 Air Force officials will remain available
13 for a little while yet tonight if you have further
14 questions you wanted to put to them.

15 Thank you. Good night. This hearing is
16 adjourned.

17 (Thereupon, the hearing
18 adjourned at 7:40 p.m.)
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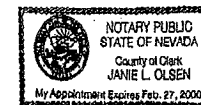
1 REPORTER'S CERTIFICATE
2

3 STATE OF NEVADA)
4 COUNTY OF CLARK) ss
5

6 I, Janie L. Olsen, Certified Shorthand
7 Reporter, do hereby certify that I took down in
8 Stenotype all of the proceedings had in the
9 before-entitled matter at the time and place
10 indicated and that thereafter said shorthand notes
11 were transcribed into typewriting at and under my
12 direction and supervision and that the foregoing
13 transcript constitutes a full, true and accurate
14 record of the proceedings had.

15 IN WITNESS WHEREOF, I have hereunto set my
16 hand in my office in the County of Clark, State of
17 Nevada, this 4th day of August, 1999.
18
19
20
21
22
23
24
25

Janie L. Olsen
Janie L. Olsen,
CCR No. 406, RPR



PUBLIC HEARING 7-15-99

ORIGINAL

PUBLIC HEARING
REGARDING F-22 BEDDOWN
AT NELLIS AIR FORCE BASE

Held at Tonopah Convention Center
301 Brougher Avenue
Tonopah, Nevada

On Thursday, July 15, 1999
At 7:00 p.m.

Reported by: JANE V. MICHAELS, RFR
NV CCR No. 601, CA CSR No. 10660

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APPEARANCES:

PAGE

For the United States Air Force:

Colonel Michael B. McShane	3, 19, 24
Major Torba	7
Mr. Jim Campe	13

Public Speakers:

Carl R. Vanderveen	21

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TONOPAH, NEVADA, THURSDAY, JULY 15, 1999

7:00 P.M.

-oOo-

PROCEEDINGS

HEARING OFFICER McSHANE: Good evening, ladies and gentlemen. I'm Colonel Mike McShane, and I'll be the hearing officer for the public hearing this evening.

This public hearing is the third in a series of three that's on the Air Force proposal to locate F-22 aircraft at Nellis Air Force Base.

The public hearing this evening serves to fulfill the requirements under the National Environmental Policy Act and its implementing regulations.

The sole reason for us being here tonight is to receive the public's comments, that is, your comments on the Draft Environmental Impact Statement, which is commonly referred to as a Draft EIS or just as the DEIS.

Before moving forward with an overview briefing, I would like to explain my role in this proceeding this evening to help you better understand this process.

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I am an Air Force officer, obviously, but

I am also an attorney currently assigned at Bolling Air Force Base, in the District of Columbia.

As the chief trial judge of the United States Air Force, my usual duties involve supervising 20 Air Force military judges and also involve presiding over Air Force criminal trials, or courts-martial, occurring at Air Force bases throughout the world.

I am not assigned to and have no connection with either Nellis Air Force Base or air combat command.

The proponents of the Draft EIS we will be considering tonight. Also, I have had no involvement in the development of this Draft EIS and am not here to serve as a legal adviser to the Air Force or the proponents of this proposal.

I tell you this so that you will understand that my role as hearing officer is simply to ensure that we have a fair, orderly, and impartial hearing and that all who desire to be heard have an opportunity to speak. In sum, I serve basically as an impartial moderator of this hearing.

This hearing will be conducted in three parts. First, Major Torba will make a presentation

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1 on the proposed action. 5

2 Next, Mr. Jim Campe will provide an
3 overview of the National Environmental Policy Act as
4 well as a summary of the potential environmental
5 impacts of the proposal.

6 The third part of the hearing will be your
7 opportunity to provide for the record comments on the
8 Draft EIS.

9 We do it this way -- briefings and then
10 comments -- so that you may be better informed as you
11 offer your remarks.

12 The 45-day public comment period for this
13 proposal began June 18th, 1999, and runs through
14 August 2nd.

15 Based on inputs the Air Force receives
16 during this period, either in writing or from the
17 public hearings, such as tonight's, additional
18 analyses will be conducted, evaluated, and/or
19 performed and changes will be made to the Draft EIS
20 where appropriate.

21 In fact, the Draft EIS has already been
22 shaped by public comments submitted during the
23 scoping process.

24 Throughout this hearing I ask that you
25 keep in mind that this public hearing is not designed

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1 to be a debate, nor is it a popularity vote on the 6
2 Draft EIS, nor is it primarily designed as a
3 question-and-answer session, although clarifying
4 questions asked as part of your comment time may be
5 appropriate.

6 This hearing is also not a time set aside
7 for you to use your comment time to personally attack
8 those whose views may be different from your own.

9 This hearing is primarily about the
10 adequacy of the environmental analysis and the
11 environmental impacts associated with the proposal.

12 Concerns about non-environmental issues
13 should not be raised at this hearing. They will not
14 add anything to the record and may limit the
15 opportunities of others to provide comments.

16 You can comment on the Draft EIS at this
17 hearing in one of three ways: on comment sheets for
18 those of you who would like to write out your
19 comments by hand, orally during the public comment
20 period, or directly to the court reporter following
21 the general comment session.

22 People wanting to make oral comments this
23 evening should have noted that on the attendance card
24 you filled out when you came in this evening.

25 If you did not fill out a card for some

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1 reason or did not indicate that you wish to speak and 7
 2 you now wish to speak this evening, please let us
 3 know.

4 For those wishing to comment in writing to
 5 the Air Force about the proposal, your written
 6 comments should be sent to the address shown on the
 7 slide.

8 Also, if you'd like to submit more
 9 detailed written comments to supplement your verbal
 10 comments tonight, the address is provided on that
 11 written comment sheet that I mentioned earlier, and
 12 there are copies of that out at the sign-in table.
 13 Written comments will be accepted at this address
 14 through the mail until August 2nd, 1999.

15 It is important to note that all comments
 16 that are made, either orally at this hearing this
 17 evening or provided in writing tonight or submitted
 18 in writing later on, will be given equal
 19 consideration.

20 At this time the Air Force representative,
 21 Major Torba, will give his presentation.

22 MAJOR TORBA: Good evening. My name is
 23 Major Gregory Torba. I work in the air superiority
 24 office at Langley Air Force Base.

25 My portion of the presentation will

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1 address some general characteristics of the F-22, why 8
 2 the Air Force is proposing to station the F-22 at
 3 Nellis, and then I'll give a brief description of the
 4 proposed action.

5 The F-22 is the next generation
 6 multi-mission air superiority fighter, supplementing
 7 the aging F-15C/D fleet.

8 Designed to meet combat requirements well
 9 into the future, it will have the ability to
 10 effectively control the air arena, thus providing our
 11 air, ground, and sea forces with the freedom to
 12 conduct operations against opposing forces.

13 The aircraft will have stealth
 14 characteristics, will fly at supersonic speeds
 15 without afterburner, and will possess increased
 16 maneuverability over any current or projected
 17 aircraft. It will also be capable of carrying
 18 state-of-the-art fighter weaponry.

19 The Air Force proposes to base F-22
 20 aircraft to implement a force development evaluation
 21 program and weapons school at Nellis Air Force Base
 22 in Nevada.

23 The force development evaluation missions
 24 will test and develop combat tactics for the F-22,
 25 and the weapons school ensures those tactics are

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1 passed on to the operational units throughout the 9
2 pilots completing the advanced training offered by
3 the school.

4 Air combat command is responsible for
5 implementing the F-22 force development evaluation
6 program and weapons school.

7 Nellis Air Force Base represents the only
8 air combat command base with major range and test
9 facility base components that meet the requirements
10 for the F-22 force development evaluation program and
11 weapons school.

12 The display in the back of the room
13 depicts the area where the F-22 will operate. The
14 Nellis Air Force Range complex has been used
15 continuously by the military for more than 50 years
16 to conduct flying training exercises similar to those
17 envisioned for the F-22.

18 For all new aircraft, like the F-22, the
19 Air Force is required by law and policy to develop
20 the aircraft's war combat capabilities to provide for
21 successful F-22 force development evaluation program
22 and weapons school development activities.

23 The Air Force proposes to beddown this
24 aircraft at Nellis Air Force Base. This Air Force
25 base and its associated airspace and range complex

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1 are the only Air Force sites truly capable of 10
2 providing the specific requirements needed for the
3 F-22 force development evaluation program and weapons
4 school without major changes to airspace, land
5 resources, and base infrastructure.

6 The Air Force proposes to base, in three
7 phases, a total of 17 F-22 aircraft at Nellis Air
8 Force Base between the years 2002 and 2008. 367
9 personnel would be added to the installation between
10 fiscal year 2001 and 2007.

11 The proposed action entails facility
12 construction activities on Nellis Air Force Base over
13 about a six-year period starting in fiscal year
14 2000. New facilities would include a hangar, a
15 dormitory, and an aircraft parts warehouse.

16 More detailed information on the
17 facilities to be constructed or improved is presented
18 on one of the display posters and discussed in detail
19 in the DEIS.

20 It is anticipated that eight of the
21 aircraft would be assigned to the operational test
22 and evaluation squadron, and the remaining nine would
23 be assigned to the United States Air Force weapons
24 school program at Nellis Air Force Base.

25 Flight tracks to and from the base and

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1 operations over the Air Force range complex will be 11
 2 similar to existing fire operations, such as the
 3 F-15E, C, and D.
 4 The vast majority of the flights over the
 5 Nellis range complex will be conducted 10,000 feet or
 6 more above ground level at subsonic airspeeds.
 7 We anticipate the F-22 will fly
 8 approximately six sorties or missions per day by the
 9 end of 2002, eight sorties per day between fiscal
 10 year 2003 and 2007, and 17 sorties per day from 2008
 11 on.
 12 By 2008, 4300 annual sorties would be in
 13 the Nellis range control for testing and training.
 14 The 4300 sorties would represent approximately 25,000
 15 sortie operations.
 16 F-22 sortie operations would represent a
 17 13 percent contribution to the total Nellis range
 18 control sortie operations under the low-use scenario
 19 and a 9 percent contribution under the high-use
 20 scenario.
 21 A major range and test facility base is a
 22 national asset that is seized, operated, and
 23 maintained primarily for Department of Defense test
 24 and evaluation support missions but is also available
 25 to all users having a valid requirement for its

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1 capabilities, including military trainers. 12
 2 Other bases, such as Holloman Air Force
 3 Base and Edwards Air Force Base, have major range and
 4 test facility base components, but none meet all the
 5 requirements for force development evaluation and
 6 weapons school.
 7 These requirements include appropriate
 8 range instrumentation, threat simulation, support for
 9 large force training exercises, an integrated battle
 10 space environment, and suitable existing
 11 infrastructure. When measured against this criteria,
 12 Nellis provided the only local solution for the F-22
 13 force development evaluation program and weapons
 14 school.
 15 No other base offers the specific physical
 16 or organizational infrastructure necessary to support
 17 unique requirements of the F-22 force development
 18 evaluation program and weapons school.
 19 Nellis Air Force Base and its ranges and
 20 airspace already exist and meet the F-22 testing and
 21 training program needs. Nellis Air Force Base also
 22 offers the synergy of interaction with current Air
 23 Force force development evaluation program and
 24 weapons school.
 25 I will turn the microphone over to Jim

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1 Campe, who will discuss the environmental process. 13

2 MR. CAMPE: Thank you.

3 I'll highlight three areas of this process

4 for you tonight: one, the National Environmental
5 Policy Act, NEPA; two, a summary of the potential
6 environmental impacts that may result from the
7 proposed action; and, three, the schedule of upcoming
8 events.

9 National Environmental Policy Act is the
10 federal government's declaration of United States
11 environmental policy and requires us to consider the
12 environmental consequences of major federal actions.

13 Our role is to inform the public and Air
14 Force decision maker of potential environmental
15 impacts that may result from his or her decisions.
16 This is a well-defined process, and this slide shows
17 some of the ways we are fulfilling NEPA
18 requirements.

19 A notice of intent to undertake this EIS
20 was published in the Federal Register of August 1997
21 and in various newspapers in the region.

22 Public involvement includes scoping
23 meetings in 1997 as well as the public hearings we
24 are holding this month.

25 The Draft EIS is made available for a

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1 45-day public comment period, and the Final EIS will 14

2 incorporate changes to the document and address
3 public comments.

4 We have also contacted many local, state,
5 federal, and tribal agencies during the process and
6 will work with them while completing our work.

7 NEPA also requires that agencies analyze a
8 no-action alternative. The no-action alternative in
9 this case means the F-22 aircraft beddown and its
10 associated actions would not occur at Nellis Air
11 Force Base. Flying activities and supporting
12 missions currently taking place at the installation
13 and the Nellis range complex would continue at
14 existing levels.

15 To summarize Major Torba's earlier
16 discussion, the Air Force proposes to take the
17 following actions at Nellis Air Force Base: station
18 and operate 17 F-22 aircraft over a seven-year period
19 starting in 2002, increase personnel by approximately
20 370, and make facility improvements over several
21 years starting in 2000.

22 The DEIS has analyzed impacts to the 12
23 resource categories shown on this slide for the
24 installation and surrounding community and the Nellis
25 range complex.

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1 The no-action alternative would not alter 15
2 current operations or infrastructure for the base or
3 the Nellis range complex, so it would not result in
4 any changes to current environmental conditions and
5 will not be addressed as I go through the resource
6 categories.

7 Public scoping raised concerns about the
8 potential impacts of subsonic noise and land use
9 around Nellis Air Force Base, sonic booms in the
10 Nellis range complex, air quality associated with the
11 base, and environmental justice around the base.
12 Each of these concerns is thoroughly addressed in the
13 EIS. The following slides summarize the findings.

14 Approximately 4500 F-22 flights, or 9,000
15 takeoffs and landings, would occur annually from the
16 base when all 17 of the aircraft would be at the
17 installation in 2008. This represents an increase of
18 approximately 13 percent over current levels at the
19 base.

20 The majority of the F-22 flights would
21 occur between 7:00 a.m. and 10:00 p.m., with
22 approximately 275 of the flights each year occurring
23 between 10:00 p.m. and 7:00 a.m.

24 The noise levels due to the F-22 beddown
25 is compared against the actual noise levels of

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1 current conditions as measured during a 1997 noise 16
2 study.

3 The F-22 operations in the Nellis airfield
4 environment would be expected to result in increased
5 noise levels relative to current conditions.

6 The increase over 1997 baseline conditions
7 would not exceed 2 decibels in most cases and
8 generally would occur in open lands.

9 About 22,800 people currently live in
10 areas above 65 decibels under the proposed action,
11 and approximately 37,750 people would be within the
12 noise zones above 65 decibels. However, the noise
13 contours from Clark County zoning regulations were
14 used for determining potential impacts to land use.

15 Projected noise levels would be within
16 acceptable recommendations for industrial,
17 commercial, and open land uses according to the Clark
18 County zoning regulations. These regulations have
19 been enacted to restrict residential use in areas
20 affected by aircraft noise around the base since 1996
21 and are based on a 1992 noise study.

22 The F-22 would operate at supersonic
23 speeds approximately 10 percent of the time while
24 flying air combat maneuvers. All supersonic activity
25 would occur within the Nellis range complex airspace

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1 and at altitudes and locations already authorized for 17
2 supersonic flight.
3 Overall combined noise levels in the
4 Nellis range complex would increase by 1 decibel or
5 less to a maximum day/night average of 60 decibels.
6 There would be a small increase in the
7 average number of sonic booms in the Elgin and Coyote
8 military operation area, or MOA.
9 The average number of sonic booms would
10 increase from approximately 20 sonic booms per month
11 to approximately 24 per month in the Elgin MOA and
12 from about 4 sonic booms per month to approximately
13 10 per month in the Coyote MOA.
14 Emissions of air pollutants into the area
15 encompassing Nellis Air Force Base would increase
16 under implementation of the proposed action but would
17 not cause a significant impact to local air quality.
18 The carbon monoxide and other emissions
19 produced by the F-22 aircraft, associated support
20 equipment, construction activities, and increased
21 personnel would not result in or contribute to
22 exceedences of air quality standards.
23 The F-22 beddown would increase the amount
24 of carbon monoxide and PM10 dust contributed by
25 Nellis Air Force Base activities to the area by

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1 approximately 1/10 of 1 percent. 18
2 As stated before, with the implementation
3 of the proposal, the area affected by noise levels of
4 65 decibels or greater would increase around the
5 base.
6 The county averages of minority and
7 low-income populations are 25 and 11 percent,
8 respectively. Currently, the minority population
9 affected is 26 percent of the total population above
10 65 decibels.
11 Under the proposed action, the percentage
12 of minorities affected would increase to 27 percent.
13 Similarly, the low-income population affected is 11
14 percent and would increase to 19 percent. Minority
15 populations are already disproportionately impacted,
16 and low-income population will become
17 disproportionately impacted.
18 I've just highlighted some of the more
19 important environmental issues for you tonight.
20 Additional analysis is contained in the DEIS.
21 A notice of availability of the Draft EIS
22 for the F-22 beddown was published in the Federal
23 Register on June 18th, 1999. This started a 45-day
24 public comment period that will close on August 2nd
25 1999.

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1 We will prepare and distribute a Final EIS 19
 2 in October 1999. After a 30-day waiting period, the
 3 Air Force will make a decision on whether or not to
 4 proceed with the proposed action.

5 I am confident that the comments we hear
 6 tonight and throughout the comment period will
 7 continue to help us assist Air Force leadership to
 8 consider environmental issues in their
 9 decision-making.

10 That concludes my portion of the
 11 presentation. Thank you for your attention.

12 HEARING OFFICER McSHANE: Thank you for
 13 your presentations, Major Torba and Mr. Campe. We
 14 will soon get to the main portion of this hearing,
 15 your public comments on the Draft EIS.

16 You'll note we do have a court reporter
 17 here, who will record word-for-word everything that
 18 is said. The verbatim record will become a part of
 19 the Final EIS. This will allow the preparers to
 20 review the record and your inputs as they were stated
 21 so that they can make sure your comments were
 22 accurately and completely addressed in the
 23 environmental process.

24 If we have any speakers here tonight, I'll
 25 ask that you speak only after I recognize you, and

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1 please address your remarks to me. 20
 2
 3 If you do have a written statement to
 4 provide, you may leave it up here on the table, or
 5 you may read it out loud or do both.

6 If you do come up and speak, I ask that
 7 you speak clearly and slowly from the podium. Please
 8 first identify yourself, starting with your name,
 9 where you are from, and the capacity in which you
 10 appear.

11 For example, you should state whether you
 12 are a public official, a designated representative of
 13 a group, or if you are expressing your personal views
 14 as an interested citizen. This will help the court
 15 reporter prepare the transcript of this hearing.

16 I am not going to set a time limit on any
 17 comments tonight but I would ask that you keep your
 18 comments to the Draft Environmental Impact
 19 Statement.

20 Please do not speak while another person
 21 is speaking. Only one person will be recognized at a
 22 time.

23 And I'd like to remind you to limit your
 24 comments to the Draft EIS as that is the purpose of
 25 this public comment period.

I would suggest you avoid repeating what

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1 another speaker has just said. There is nothing 21
2 inappropriate about agreeing with other speakers, but
3 it is not necessary to repeat the same thing several
4 times. Saying it once puts it into the record.
5 As indicated earlier, we do have a court
6 reporter here to record verbatim everything that is
7 said tonight. If you have an extra copy of your
8 remarks, please provide it to the court reporter as
9 that will help her with the correct spelling of any
10 names or places which you may mention.
11 The transcripts of these proceedings will
12 become part of the record of the hearing and will be
13 included in the Final Environmental Impact
14 Statement.
15 The court reporter will be able to make a
16 complete record only if she can hear and understand
17 what you say. So please speak clearly and slowly and
18 loud enough for everybody in the room to hear.
19 We have cards. I've got two attendants'
20 cards and nobody who's indicated they want to speak.
21 Anybody change their mind and desire to make comments
22 tonight for the record?
23 **000023** MR. VANDERVEEN: Well, I will then, sir.
24 I'm not much of a speaker. And since no
25 one else is going to say anything, I'll start with my

R-1

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1 name. It's Carl, C-a-r-l, Vanderveen, 22
2 V-a-n-d-e-r-v-e-e-n.
3 I have about four years' experience
4 working on the northern ranges out here at the
5 Tonopah test range. I live locally here five days a
6 week, sometimes more. I'm the local site manager for
7 the Cabaco Company, which does base maintenance and
8 airfield operations for the Air Force. And I speak
9 on behalf of my company and also with respect to my
10 own personal opinions.
11 I'm very much in favor of the development
12 of this technology. I think it's important to our
13 nation.
14 And I am aware that history is unkind to
15 the weak. And to the extent that this helps us avoid
16 being weak, that's good.
17 I think that based on my experience I can
18 say with some authority that the range complex is
19 indeed the perfect place to develop the fighter.
20 I have experienced it at some of the other
21 facilities that were mentioned here. And based on
22 what I see being done at the range, now I can confirm
23 in my own mind what you're saying. I agree.
24 I'd like to compliment the Air Force with
25 respect to its current attention to environmental

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1 issues. 23

2 I can speak, once again from personal

3 experience in that regard, about the meticulous

4 attention to detail out there.

5 I'm personally involved with respect to a

6 lot of environmental issues out there, things related

7 to clean water, sewage disposal, range cleanup from

8 ordnance that's spent out there, and a variety of

9 other areas as well.

10 And I know that most of the other people

11 in this room can't go out there and see these things,

12 but I can because I'm responsible for some of them as

13 an Air Force contractor.

14 And I can assure any locals that would be

15 here that would be inquisitive about what's going on

16 out there that there's tremendous attention to detail

17 with respect to the law, with respect to

18 environmental issues out there, all kinds, from

19 groundwater, sewage, clear air, the works.

20 I can imagine no serious or overwhelming

21 environmental impact in the local area here in the

22 north ranges given my personal experience on the

23 range.

24 And it's my opinion, professionally and

25 personally, that the environmental costs developing

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1 this fighter out here are small, in my mind, with 24

2 respect to -- or in comparison to the nation's

3 potential benefit. Thank you.

4 HEARING OFFICER McSHANE: Anybody else

5 desire to make any comments? Apparently not.

6 That will conclude the public hearing for

7 tonight. I want to thank you folks for your

8 participation.

9 Please remember that the public comment

10 period will extend through August 2nd of 1999, and

11 comments may be submitted in writing through that

12 date.

13 Air Force officials will remain available

14 for a little while tonight as long as there is

15 sufficient interest to answer any questions you may

16 have.

17 This hearing is adjourned at 7:29. Thank

18 you and good night.

19 (Thereupon, the proceedings

20 were adjourned at 7:29 p.m.)

21

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REPORTER'S CERTIFICATE

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STATE OF NEVADA)
) ss
COUNTY OF CLARK)

I, Jane V. Michaels, Certified Shorthand
Reporter, do hereby certify that I took down in
Stenotype all of the proceedings had in the
before-entitled matter at the time and place
indicated and that thereafter said shorthand notes
were transcribed into typewriting at and under my
direction and supervision and that the foregoing
transcript constitutes a full, true and accurate
record of the proceedings had.

IN WITNESS WHEREOF, I have hereunto set my
hand and affixed my official seal of office in the
County of Clark, State of Nevada, this 19th day
of August, 1999.

Jane Michaels
Jane V. Michaels, RPR
NV CCR No. 601
CA CSR No. 10660

Comments

2.1-59

Comment/ Letter #	Response #	Response
0001 0013	R-1	Thank you for your comment during the public comment period on the Draft Environmental Impact Statement (Draft EIS) for the proposed F-22 Aircraft Force Development Evaluation (FDE) and Weapons School (WS) Beddown at Nellis AFB. Public and agency involvement is an important part of the National Environmental Policy Act (NEPA) process. All comments received during this comment period have become part of the project record and will contribute to the decision-making process. Specific responses to your environmental questions are presented below.
0002 0014		
0003 0015		
0004 0016		
0005 0017		
0006 0018		
0007 0019		
0008 0020		
0010 0021		
0011 0022		
0023		
0001	R-2	The Air Force disagrees with the opinion that the selection criteria are "obstacles that are relatively easy to overcome." The Air Force used a deliberative process in identifying its selection criteria to meet the purpose and need for this action. Screening of assets against the selection criteria demonstrated that neither Holloman AFB nor Edwards AFB would meet the need of the Air Force. Much of the equipment, facilities, realistic threats, and infrastructure required to fully develop F-22 capabilities, as identified in criteria 7 and 8, is one of-a-kind technology that would be extremely costly and time consuming to replicate. It is not reasonable to redundantly duplicate these assets at another location. In addition, major exercises conducted at Nellis AFB allow complex operational tests in the environment the F-22 was designed to encounter.
0001	R-3	These criteria and considerations were developed from regulations, policy, and mission requirements. They do not have to be singularly derived from regulations. The three overall considerations provide for realistic and efficient operations at a lower cost. Criterion 1 is exclusive for the mission type discussed in the Draft EIS and is defined by Air Force policy and directive. The remaining criteria identify the infrastructure, airspace, and facilities necessary to conduct the FDE program and WS for this state-of-the-art aircraft.

Comment/ Letter #	Response #	Response
0001	R-4	Estimated costs for new range infrastructure and facilities that would be required at Holloman and Edwards AFBs are respectively and conservatively projected at \$80 million and \$45 million. These range improvements would not be required at Nellis AFBs because of the already developed and adjacent Nellis Range Complex (NRC). Additionally, on-base facility improvements of approximately \$25 million would be required at any base (see Draft EIS section 2.1.5).
0001	R-5	There are no reasonable alternatives that adequately meet the selection criteria. Further analysis of unacceptable alternatives would be unproductive.
0001	R-6	The potential increased noise footprint around Nellis AFB would lie almost entirely inside areas zoned by Clark County for noise compatible land uses and are within long-term historical noise levels. Noise increases would be expected to be less than 2 dB which is within typical noise fluctuations at Nellis AFB, as indicated by long-term averaging and number and type of aircraft and sorties flown. The management actions that would be applied if the Proposed Action were selected are listed in section 1.3 of the Final EIS.
0001	R-7	There are approximately 900 acres of open land under the projected 70 DNL or greater noise contour. These lands are currently used for industrial, commercial, or residential development. Should Clark County allow residential development of these open lands, current zoning would permit fewer than two single family units per acre. This would represent a maximum potential growth of approximately 5,500 people around Nellis AFB. This growth is miniscule (less than one-half of one percent) in comparison to the current and projected rate of growth for the entire Las Vegas area (approximately 10 percent per year). As previously stated, other potential alternatives to the Proposed Action did not meet minimum requirements and were eliminated from further analysis.
0001	R-8	The discussion of environmental justice has been clarified in section 3.2 of this Final EIS.
0001	R-9	The calculations of RCRA waste have been clarified and updated in the Final EIS.

Comment/ Letter #	Response #	Response
0002	R-10	The suggested revision has been made to the Final EIS. See Errata and Clarifications, section 3.2.
0002	R-11	As stated in the Draft EIS, 17 F-22s would conduct an additional 4,472 sorties annually from Nellis AFB by 2008. These training and test missions will be conducted in a manner similar to the missions currently flown by the Nellis AFB aircraft. In addition, the F-22 is predominantly a medium to high altitude fighter conducting low-altitude combat operations (below 2,000 feet AGL) less frequently than the F-15 or F-16. The F-22 would depart and return using the same procedures, routes, ingress, and egress flown by the current Nellis AFB aircraft.
0002	R-12	Prevailing agreements on sensitive and avoidance areas on the NRC would apply to F-22 activities. In addition, avionics on the F-22 will aid the pilot in avoiding these areas by providing audio and visual alerts in the cockpit. The F-22 would fly departures and recoveries near Hayford and Sheep peaks as directed by local procedures. However, the performance capability of the F-22 will allow it to reach higher altitudes quicker than current fighters, minimizing low-altitude time near these peaks.
0003	R-13	Water for the proposed facilities would be piped from existing facilities in accordance with all applicable regulations.
0004	R-14	Nellis AFB took numerous efforts to involve all members of the public in the EIS preparation. Public scoping meetings and public hearings to which all citizens were invited were held in several communities in Nevada. Local and regional newspapers were used to advertise these meetings. More specifically, a public hearing was held on July 13, 1999 in the area adjacent to Nellis AFB and copies of the Draft EIS were placed in local libraries in Las Vegas as well as throughout southern Nevada. See also response R-16.
0004	R-15	Information on race and income is presented in section 3.12 of the Draft EIS.

Comment/ Letter #	Response #	Response
0004	R-16	The Draft EIS was not published in Spanish. The Hispanic population in the affected area is about 7.6 percent of the total population. This is less than the county average of 10.9 percent. The Air Force and Nellis AFB made numerous efforts to involve all of the public in the EIS process. See R-14 above.
0004	R-17	Potential impacts to traditional Indian lands and resources are discussed in section 4.8 of the Draft EIS.
0004	R-18	Airfield operations and sortie-operations are presented in two ways in the Draft EIS; each corresponds to two different areas of analysis: the area around Nellis AFB uses airfield operations (68,000) and the NRC uses sortie-operations (200,000-300,000). Definitions for these terms are given in section 2.2 of the Draft EIS. The number of airfield operations occurring at Nellis AFB is an accurate representation of annual use of the base and is based on an average of several years' counts of takeoffs and landings. Similarly, the number of sortie-operations is an accurate representation of fluctuations in the use of the NRC over the last 15 years.
0004	R-19	The Draft EIS includes a discussion of Sound Exposure Level (SEL) as well as the Day-Night Average Sound Level (DNL). Multiple aircraft flights are included in the noise model to determine subsonic and supersonic noise levels.
0004	R-20	Potential noise increases would be less than 2 dB; therefore, the Air Force has no plans to soundproof these facilities.
0004	R-21	The noise analysis reflects the expected manner the F-22 will fly in the NRC. They are not expected to use MTRs. Use of the MTRs was included, as appropriate, in the discussion of cumulative impacts.
0004	R-22	Specific noise analysis for the F-22 is discussed in section 4.2 of the Draft EIS.

Comment/ Letter #	Response #	Response
0004	R-23	Red Flag and Green Flag exercises are analyzed as part of baseline conditions; projected noise levels are discussed in section 3.2.2 of the Draft EIS.
0004	R-24	In the F-22 beddown EIS, the Air Force presented the areas exposed to noise from Nellis AFB of 65 DNL or greater over a 17-year period. It then compared these areas and those areas zoned by Clark County for land uses compatible with noise of 65 DNL or greater around the base with the projected area under the Proposed Action. Almost all of the areas that would be affected by the F-22 beddown have had similar or higher noise levels in the past and are zoned for noise levels of 65 DNL or greater. The addition of F-22 noise in areas already exposed to such noise is unlikely to result in impacts to property values.
0004	R-25	There is no requirement to perform a cost benefit analysis for this EIS.
0004	R-26	The data set from which the "Schultz curve" is synthesized is not a model, but rather a dose-response relationship for noise exposure levels and annoyance. The original curve was developed in the 1970s and updated in 1991 (Fiddell <i>et al.</i> 1991). The revised analysis showed only minor differences in noise-induced annoyance as predicted by Schultz. The F-22 EIS uses the latest updated noise-annoyance curve in the noise analysis (Finegold <i>et al.</i> 1994).
0004	R-27	The revised noise-annoyance study (Finegold <i>et al.</i> 1994) acknowledges that aircraft noise is somewhat more annoying than surface traffic and incorporates this finding in the analysis.
0004	R-28	According to the 1992 Federal Interagency Committee on Noise (FICON), the "dose-effect relationship, as represented by DNL and 'Percent Highly Annoyed,' remains the best available approach for analyzing overall health and welfare impacts for the vast majority of transportation noise analysis situations."

Comment/ Letter #	Response #	Response
0004	R-29	Although there is a high correlation between the percentages of groups of people highly annoyed and the level of average noise exposure measured in DNL, the correlation is much lower for the annoyance of individuals. Many personal factors may influence the manner in which individuals react to noise. The great variability between individuals makes it impossible to predict accurately how any individual will react to a given noise event. However, scientific findings substantiate that community annoyance to aircraft noise is represented reliably using DNL (see R-31 below).
0004	R-30	Noise in recreation areas is discussed in section 4.10 of the Draft EIS. The analysis examines noise in recreation areas near Nellis AFB, subsonic noise over recreation areas in the NRC, and the effects of sonic booms over recreation areas. The Air Force recognizes that the response to noise in residential and recreational areas may differ. Therefore, different criteria were used to address noise in recreation areas such as the change in noise levels, potential overflights, and number of sonic booms.
0004	R-31	The noise modeling techniques used in the Draft EIS have been validated by actual measurements and results are accepted by the Environmental Protection Agency, Housing and Urban Development, and other federal agencies. Additional on-site monitoring would not be expected to show differing results from those presented in the EIS.
0004	R-32	The analysis of community noise was based on the revised and updated version of the Schultz curve (Finegold <i>et al.</i> 1994).
0004	R-33	The findings by Finegold <i>et al.</i> (1994) are included in the analysis.
0005	R-34	The Air Force is working with Clark County on this issue.
0006	R-35	It is beyond the scope of this EIS to address the legal implications of the treaty of Ruby Valley.

Comment/ Letter #	Response #	Response
0006	R-36	The Air Force believes it is in full compliance with E.O. 12898. We have evaluated the Proposed Action based on the criteria presented in Chapter 2 of the Draft EIS. These criteria are not related to race, color, or religion, and are used to evaluate the Proposed Action from an operational standpoint.
0006	R-37	Proposed F-22 operations in the NRC involve shared use of airspace over an extremely large landmass that includes several towns, mining operations, recreation areas, and ranching activities. There are thousands of individuals of numerous racial, religious, and occupational orientations using this area.
0006	R-38	Nellis AFB took numerous efforts to involve all Native Americans in the F-22 beddown public involvement process. While the Consolidated Group of Tribes and Organizations was used to obtain data concerning the proposed F-22 beddown, solicitation of opinions of Native Americans was not limited to this group. Chairpersons and representatives from 17 regional tribes were notified of the proposed operations and forwarded copies of the Draft EIS; a presentation on the F-22 EIS was given at the June 1999 Nellis AFB Native American Interaction Program (NAIP) general meeting; and several scoping meetings and public hearings to which all citizens were invited were held in communities in Nevada.
0009	R-39	Thank you for your letter. You have been removed from the mailing list per your request.
0013 0016	R-40	Decisions regarding funding of the F-22 are beyond the scope of this EIS.

Comment/ Letter #	Response #	Response
0014 0017	R-41	Nellis AFB has published an Air Installation Compatible Use Zone (AICUZ) report. The report includes recommendations to Clark County planners about noise and safety issues surrounding Nellis AFB. Clark County has enacted zoning ordinances that closely mirror the recommendations contained in the Nellis AFB report. Historically, the largest number of accidents at an air base occur on the runway or just off either end of the runway. Land off the north end of the runways at Nellis AFB is unpopulated. Much of the land to the south is zoned for low-occupancy commercial and residential uses. Also, aircraft experiencing problems usually land at Indian Springs Air Force Auxiliary Airfield or the Tonopah Test Range.
0015	R-42	The environmental analysis was conducted to determine whether there would be significant impacts, such as the spread of diesel fuel on the landscape and over cultural resources. Results of the analysis indicate that the natural and cultural resources environment should not be impacted by operation of the F-22 beddown proposal.
0015	R-43	Nellis AFB has taken efforts to ensure that groups, organizations, and individuals have opportunities to present their concerns. The Nellis AFB Native American Interaction Program provided a presentation and forum at the general meeting June 3 and 4, 1999, for tribal chairpersons and designated representatives to respond to the proposed project. Also, all members of the public, including Native American individuals, were invited to the meetings and hearings held in the region. Nellis AFB understands that individuals at these meetings and hearings are responding for themselves and do not necessarily represent the view of any tribe.

Comment/ Letter #	Response #	Response
0020	R-44	The Draft EIS acknowledges that noise is unwanted sound, and that annoyance is the usual human reaction to exposure to noise in section 4.2.1. Public concern with sonic booms was also noted in section 4.2 of the Draft EIS. As reflected in that section, the majority of sonic booms are anticipated to occur in authorized airspace in the Elgin and Coyote Military Operation Areas of the NRC. The F-22 will only fly supersonic within existing supersonic-approved airspace. Public noise complaints can be made by calling the Air Warfare Center Public Affairs office at Nellis AFB at (702) 652-2750 or 1-800-859-3804.
0022	R-45	Prevailing rules for sensitive and avoidance areas on the NRC would apply to the F-22 as well other aircraft. Public noise complaints can be made by calling the Air Warfare Center Public Affairs office at Nellis AFB at (702) 652-2750 or 1-800-859-3804.
0022	R-46	F-22 operations plan to use the entire NRC as described in the Draft EIS. The level of flight activity in the NRC requires the use of all associated airspace, including restricted airspace over the Nevada Test Site, to meet training and test needs.
0022	R-47	The Air Force is committed to enforcing existing flight restrictions in the NRC. Public noise complaints can be made by calling the Air Warfare Center Public Affairs office at Nellis AFB at (702) 652-2750 or 1-800-859-3804.

3.0 ERRATA AND CLARIFICATIONS

3.1 INTRODUCTION

This section contains errata and clarifications. Errata rectify minor errors found in the Draft EIS ranging from corrections of spellings to inserting words or phrases inadvertently omitted from the Draft EIS. Clarifications consist of explanatory information designed to enhance understanding of information in the Draft EIS. These clarifications do not represent substantive changes to the analysis or findings in the Draft EIS. Neither the errata nor the clarifications alter the conclusions presented in the Draft EIS regarding environmental impacts.

Combined with the Draft EIS, the errata and clarifications form the core of the Final EIS. Organization of the errata and clarifications follows the organization of the Draft EIS to assist the reader. The errata and clarifications start with the Executive Summary and progress through the remainder of the chapters and sections in the Draft EIS. Those sections of the Draft EIS not requiring any changes or clarifications are omitted from the list presented below.

Each erratum or clarification is listed according to its section, page, paragraph, and line number in the Draft EIS. The underlined words in the errata and clarifications are not part of the text changes to the Draft EIS; they are instructions. To ensure a clear understanding of the changes made to the Draft EIS, one section – 4.12 Environmental Justice – has been reprinted in its entirety. Also, when one or two numbers change within a table, the entire table is repeated. However, most of the errata and clarifications simply replace a word or phrase.

3.2 ERRATA AND CLARIFICATIONS TABLE

Draft EIS Section	Page	Paragraph	Line(s)	Errata or Clarification
Executive Summary	ES-1	5 th	7	<u>Add</u> “on or near the base” <u>after</u> “Base components”
Executive Summary	ES-3	1 st	2	<u>Before</u> “(Table ES-1)” <u>add</u> “for airspace management, air quality, safety, land use, hazardous materials and waste, earth and water resources, recreation and visual resources, and socioeconomics. The F-22 beddown would result in an increase in noise around Nellis AFB relative to baseline conditions. Increased noise would extend into areas with greater than average minority and low-income populations resulting in a disproportionate effect on these groups. This environmental justice impact would primarily occur in locations already zoned by Clark County to control development in areas subject to noise levels of 65 DNL or greater.”
Executive Summary	ES-4	3 rd full paragraph	1-6	<u>Replace</u> from “Under the Proposed Action... <u>through</u> northeast of the base.” <u>with</u> “The F-22 beddown would result in increased subsonic noise at and around Nellis AFB, but noise conditions would remain generally consistent with the patterns of the past 20 years. Ninety-five percent of the lands around Nellis AFB are zoned for and previously exposed to equivalent noise levels, or are undeveloped lands northeast of the base. Addition of F-22 flight activities would increase the area around the base currently affected by noise levels of 65 DNL or greater. DNL, or Day-Night Average Sound Level, is a noise metric that combines levels and durations of noise events and the number of events over a daily time period. The area around the base exposed to these noise levels would increase to approximately 23,000 acres, or 8,700 acres more than under baseline conditions and could affect an additional 6,250 people.”
Executive Summary	ES-5	6 th	2	<u>Change</u> “26 percent and 11 percent” <u>to</u> “24 percent and 10 percent”

F-22 Force Development Evaluation and Weapons School Beddown, Nellis AFB

Draft EIS Section	Page	Paragraph	Line(s)	Errata or Clarification
Executive Summary	ES-6	1 st	1-2	<u>Replace</u> "These figures exceed the 25 percent minority average and equal the 11 percent low-income average in Clark County" <u>with</u> "The 24 percent of minority populations and the 10 percent low-income populations currently affected by noise are lower than the Clark County average for these groups."
Executive Summary	ES-6	1 st	4	<u>Change</u> "27 percent minority and 19 percent low-income populations." <u>to</u> "30 percent minority and 16 percent low-income populations."
2.3	2-38	2 nd	2-4	<u>Replace</u> "The primary air-to-ground munition carried by the F-22 is expected to be the JDAM. JDAMs consist of 1,000 pound bombs guided to the target by an attached Global Positioning System (GPS) Receiver" <u>with</u> "the primary air-to-ground munition carried by the F-22 is expected to be the GBU 32 variant of the JDAM, which uses a 1,000 pound general purpose Mark-83 bomb. JDAMs are guided to the target by an attached Global Positioning System (GPS) Receiver."
2.3	2-38	3 rd	1	<u>Change</u> "Mark-82" <u>to</u> "Mark-83"
2.6	2-49	Table 2.6-1	NA	<u>Under Airspace for Proposed Action: F-22 Beddown</u> , add after "An increase of 544 F-22 annual night operations". . . "an 11% increase" <u>in the third bullet</u>
2.6	2-50	Table 2.6-1	NA	<u>Under Noise and Land Use for No-Action Alternative</u> , <u>change</u> "about 22,800 people" <u>to</u> "about 31,000 people" <u>in the second bullet</u>
2.6	2-50	Table 2.6-1	NA	<u>Under Noise and Land Use for Proposed Action: F-22 Beddown</u> , <u>change</u> "about 37,750 people" <u>to</u> "about 37,250 people" <u>in the second bullet</u>
2.6	2-55	Table 2.6-1	NA	<u>Under Environmental Justice for No-Action Alternative</u> , <u>replace the first bullet with</u> "Baseline noise levels of 65 DNL or greater do not disproportionately affect minority groups (24%) or low-income populations (10%)"

Draft EIS Section	Page	Paragraph	Line(s)	Errata or Clarification
2.6	2-55	Table 2.6-1	NA	<u>Under Environmental Justice for Proposed Action</u> , replace the first bullet with “Projected noise levels of 65 DNL or greater would disproportionately affect about 11,200 (30%) people belonging to minority groups and about 5,900 low-income people (16%), but this effect would primarily occur in locations already zoned by Clark County to control development in areas subject to noise levels of 65 DNL or greater”
3.2	3.2-1/ 3.2-2	6 th	1-5	<u>Replace paragraph with</u> “ Human response to noise can vary greatly to a given sound level and frequency. Depending on the individual disposition to the noise source, the response can range from “calming” to “startling.” With the exception of evaluating sleep disturbance, metrics used to measure human response to noise consider the cumulative amount of noise over some time duration, typically 1, 8 and 24 hours. Many laymen consider this “averaging” over time as misleading since the resulting noise level can be less than the instantaneous or peak value of the noise signal. Realistically, from a “response” perspective, the true effect can only be understood when compared to a standard. This is analogous to temperature. Most Americans well understand the Fahrenheit temperature scale, some also understand the Centigrade scale; however, few would understand that 32 degrees Fahrenheit is comparable to 273 degrees Kelvin or 492 degrees Rankin. Thus, without a standard for comparison, the data become meaningless. The standard metric for human annoyance is based on the “cumulative dose” or time-weighted average noise level such as DNL.”
3.2	3.2-2	1 st Bullet	4	<u>Add</u> “measured” <u>after</u> “Sound levels are”
3.2	3.2-2	4 th Bullet	4-5	<u>Replace</u> “this effect can make noise seem louder than its actual level.” <u>with</u> “this effect can startle the receiver.”

F-22 Force Development Evaluation and Weapons School Beddown, Nellis AFB

Draft EIS Section	Page	Paragraph	Line(s)	Errata or Clarification
3.2.1	3.2-18	3 rd	4-8	<u>Replace</u> "In contrast, the area affected by actual baseline noise levels of 65 DNL or greater includes about half as many people (i.e., 23,000)." <u>with</u> "In contrast, the area in which 31,000 people live has been exposed to baseline noise levels of 65 DNL or greater."
3.2.1	3.2-19	Table 3.2-7	NA	<u>Replace</u> Table 3.2-7 <u>with</u> :

Table 3.2-7. Affected Population and Annoyance Estimates around Nellis AFB			
<i>Noise Level (DNL)</i>	<i>Population Affected¹</i>		<i>Number of People Potentially Highly Annoyed Under Baseline Noise Contours</i>
	<i>Within Clark County Zones</i>	<i>Under Baseline Noise Contours</i>	
65-70	24,402	22,669	2,720
70-75	14,119	8,208	1,806
75-80	5,379	91	34
80-85	1,200	32	17
>85	0	0	0
TOTAL	45,100	31,000	4,577
¹ Nellis AFB population excluded; estimated from 1998 count of housing units multiplied by 3.02 people per unit (regional average)			

3.2.1	3.2-19	2 nd	1	<u>Replace</u> "approximately 2,900 people" <u>with</u> "approximately 4,600 people"
3.2.2	3.2-29	3 rd full paragraph	2-3	<u>Change</u> "National Wildlife Range System" <u>to</u> "National Wildlife Refuge System"

Draft EIS Section	Page	Paragraph	Line(s)	Errata or Clarification
3.5.1.1	3.5-2	1 st	5-7	<u>Change</u> “the base has a <i>Spill Prevention and Response Plan</i> , <i>Nellis AFB Plan 19-1</i> , and a <i>Facilities Response Plan</i> included as appendices in the <i>Nellis AFB Hazardous Waste Management Plan</i> ” <u>to read</u> “the base has a <i>Facilities Response Plan</i> and the <i>Nellis AFB Hazardous Waste Management Plan</i> ”
3.5.1.1	3.5-2	2 nd	1	<u>Add</u> “(NAFB Plan 12)” <u>after</u> “ <i>Nellis AFB Hazardous Waste Management Plan</i> ”
3.5.1.1	3.5-2	2 nd	2	<u>Delete</u> “RCRA and non-RCRA”
3.5.1.1	3.5-2	3 rd	1	<u>Replace</u> “more than 110,000 pounds” <u>with</u> “approximately 149,000 pounds”
3.5.1.1	3.5-2	3 rd	2	<u>Add</u> “presently” <u>after</u> “Nellis AFB is”, <u>replace</u> “areas” <u>with</u> “sites” <u>and</u> “or” <u>with</u> “and”
3.5.1.1	3.5-2	3 rd	8-16	<u>Replace from</u> “Wastes generated on base.....” <u>through</u> “waste streams generated on base.” <u>with</u> “Wastes generated on base are turned into 83 satellite accumulation points and then into the Central Accumulation Site on base. These accumulation points manage 46 established waste streams generated on base. The Defense Reutilization and Marketing Office is responsible for managing disposal operations.”
3.5.1.1	3.5-2	4 th	1	<u>Add</u> “and vehicle” <u>after</u> “aircraft”
3.12.1	3.12-3	4 th	5-7	<u>Replace</u> “These areas have also traditionally been occupied by a higher proportion of members of a minority group (from 26 to 31 percent of the population affected by noise levels grater than 65 DNL).” <u>with</u> “These areas have also historically been occupied by a higher proportion of members of a minority group; 33 percent of the population in the area zoned by Clark County for noise levels of 65 DNL or greater are minorities (Table 3.12-1).”

Draft EIS Section	Page	Paragraph	Line(s)	Errata or Clarification
3.12.1	3.12-3	5 th	1-7	<u>Replace entire paragraph with</u> "Approximately 31,000 total people are estimated to be affected by current (baseline) noise levels of 65 DNL or greater. Out of those 31,000 people about 7,480 (24 percent) are considered to be minorities, and 3,218 (10 percent) to have low incomes. The 24 percent minority and 10 percent low-income populations currently affected by noise around Nellis AFB are lower than the county average. Within the area around Nellis AFB zoned for noise of 65 DNL or greater, 33 percent of the people belong to minority populations and 13 percent to low-income populations (Table 3.12-1)."
3.12.1	3.12-5	1 st	1-3	<u>Delete paragraph starting with</u> "Minority and low-income" <u>through</u> "above 70 DNL."
3.12.1	3.12-5	Table 3.12-1	NA	<u>Replace Table 3.12-1 with:</u>

Table 3.12-1. Minority and Low-Income Populations Around Nellis AFB in Areas with Baseline Noise of 65 DNL or Greater

	<i>Minority</i>	<i>%</i>	<i>Low-Income</i>	<i>%</i>
Clark County Total Population ¹	281,120	25	123,200	11
Clark County Zoning Noise Levels ² ≥65 DNL	14,897	33	5,792	13
Baseline Noise Levels ≥65 DNL	7,480	24	3,218	10

¹Total population based on 1996 estimate from Clark County Department of Comprehensive Planning.

² Zoning based on Clark County Department of Comprehensive Planning.

4.2.1	4.2-9	2 nd	2	<u>Change</u> "about 38,000 people" <u>to</u> "about 37,000 people" <u>and</u> "Almost 15,000 people" <u>to</u> "Approximately 6,000 people"
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Draft EIS Section	Page	Paragraph	Line(s)	Errata or Clarification
4.2.1	4.2-9	Table 4.2-4	NA	<u>Replace Table 4.2-4 with:</u>

Table 4.2-4. Baseline and Projected Affected Population and Annoyance					
<i>Noise Level (DNL)</i>	<i>Baseline Population Affected¹</i>	<i>Baseline Number of People Potentially Highly Annoyed¹</i>	<i>Projected Population Affected¹</i>	<i>Projected Number of People Highly Annoyed¹</i>	<i>Population within Clark County Zones¹</i>
65-70	22,669	2,720	27,056	3,247	24,402
70-75	8,208	1,006	10,074	2,216	14,119
75-80	91	34	30	11	5,379
80-85	32	17	90	48	1,200
>85	0	0	0	0	0
TOTAL	31,000	4,577	37,250 ¹	5,522	45,100
¹ Nellis AFB excluded.					

4.2.1	4.2-9	3 rd	1	<u>Change</u> “approximately 5,600 people” <u>to</u> “approximately 5,500 people”
4.2.1	4.2-9	3 rd	2	<u>Change</u> “an increase of 2,700 people” <u>to</u> “an increase of 945 people”
4.5.2	4.5-3	1 st full paragraph	2-3	<u>Change</u> “about 4,000 pounds” <u>to</u> “about 14,500 pounds”
4.5.2	4.5-3	1 st full paragraph	4	<u>Change</u> “less than a 3 percent increase” <u>to</u> “less than a 10 percent increase” <u>and add</u> “This increase would not exceed hazardous waste amounts disposed of in the past which were as high as 461,000 pounds in 1992. Hazardous waste has been reduced by roughly 68 percent and is expected to continue to decrease.” <u>after</u> “to current conditions.”

Draft EIS Section	Page	Paragraph	Line(s)	Errata or Clarification
4.8.2	4.8-2	2 nd full paragraph	3	<u>Add</u> "potentially eligible" <u>after</u> "effects to"
4.8.2	4.8-2	2 nd full paragraph	10	<u>Replace</u> "The Munitions Area has never been surveyed." <u>with</u> " The munitions area will be surveyed and any cultural resources found would be evaluated by January 2000, prior to construction."
4.8.2	4.8-2	2 nd full paragraph	12	<u>Delete</u> "and survey to identify archaeological remains"
4.8.2	4.8-2	2 nd full paragraph	13	<u>Delete</u> "significant" <u>and replace</u> "of possible." <u>with</u> "and mitigate effects to insignificant levels through data recovery."
4.12	4.12-1 through 4.12-5	NA	NA	<u>Replace Section 4.12, Environmental Justice, with a revised Section 4.12 (below)</u>

4.12 ENVIRONMENTAL JUSTICE

As directed by Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority and Low-Income Populations*, this analysis addresses potential disproportionately high and adverse human health or environmental effects on these populations.

The existence of disproportionately high and adverse impacts first depends on identifying impacts for each of the individual resources (e.g., noise, air quality, water resources, and hazardous materials and wastes). If implementation of the Proposed Action were to have potentially significant effects on people for any particular resource, then it would be necessary to examine those impacts in terms of their potential to adversely and disproportionately affect minority or low-income communities. Section 3.12 determined that noise was the only resource with such potential.

Determining disproportionate impacts involves comparing the composition of the affected population to the composition of the Region of Comparison (ROC). The ROC is the smallest political unit encompassing the impact area. For the area around Nellis AFB, the ROC is Clark County. The ROC for the NRC includes Clark, Lincoln, and Nye counties.

4.12.1 No-Action Alternative

Because there would be no change from existing conditions under the No-Action Alternative, there would be no environmental justice issues.

4.12.2 Proposed Action

NELLIS AFB

During the winter of 1998 a windshield survey was conducted, including personal contact with managers of multiple dwelling units. These data were combined with census tract data to ensure consideration of potential impacts at or below the census tract level. This information provided up-to-date estimates of population in the area surrounding the base. The information resulting from this evaluation has been incorporated into this analysis.

Low-income and minority populations in the residential areas associated with Sunrise Manor and other unincorporated communities near Nellis AFB would bear a disproportionately greater share of noise impacts than the population as a whole in the surrounding community. Portions of Sunrise Manor west and south of Nellis AFB (refer to Figure 3.2-5) would be subject to increased noise of 2 dB or less above levels currently experienced. This would occur almost entirely in areas already zoned by Clark County to control development in areas subject to noise levels of 65 DNL or greater.

The minority population residing within Clark County Planning zones of 65 DNL or greater represents 33 percent of the total population in that area, as compared to the minority population in the ROC which is 25 percent. This means that the area historically affected by Nellis AFB operations already has a higher proportion of minorities than the ROC. Currently, 24 percent of the population affected by baseline noise levels are minorities (Figure 4.12-1). This would increase to 30 percent of the total population under the Proposed Action. Minority members potentially affected by noise would increase from 7,480 to 11,199 (Table 4.12-1). Approximately 76 percent of the affected minority members live in areas with noise levels between 65 and 70 DNL (Table 4.12-2).

The low-income populations residing within Clark County Planning Zones of 65 DNL or greater represents 13 percent of the total population in that area, as compared to the low-income population in the ROC which is 11 percent. This means that the area historically affected by Nellis AFB operation already has a higher proportion of low-income people than the ROC. Currently, 10 percent of the population affected by baseline noise levels is low-income (see Figure 4.12-1). This would increase to 16 percent of the total population under the Proposed Action. The low-income population potentially affected by noise would increase from 3,218 to 5,883 (see Table 4.12-1). Approximately 70 percent of the affected members of the low-income population live in areas with noise levels between 65 and 70 DNL (Table 4.12-3).

Table 4.12-1. Minority and Low-Income Populations Affected by Noise Levels Greater than or Equal to 65 DNL				
	<i>Minority</i>	<i>%</i>	<i>Low-income</i>	<i>%</i>
Clark County Total Population ¹	281,120	25	123,200	11
Clark County Zoning Noise Levels² ≥65 DNL	14,897	33	5,792	13
Baseline Noise Levels ≥65 DNL	7,480	24	3,218	10
Projected Noise Levels ≥65 DNL	11,199	30	5,883	16
¹ Total population based on 1996 estimate from Clark County Department of Comprehensive Planning.				
² Zoning based on Clark County Department of Comprehensive Planning.				

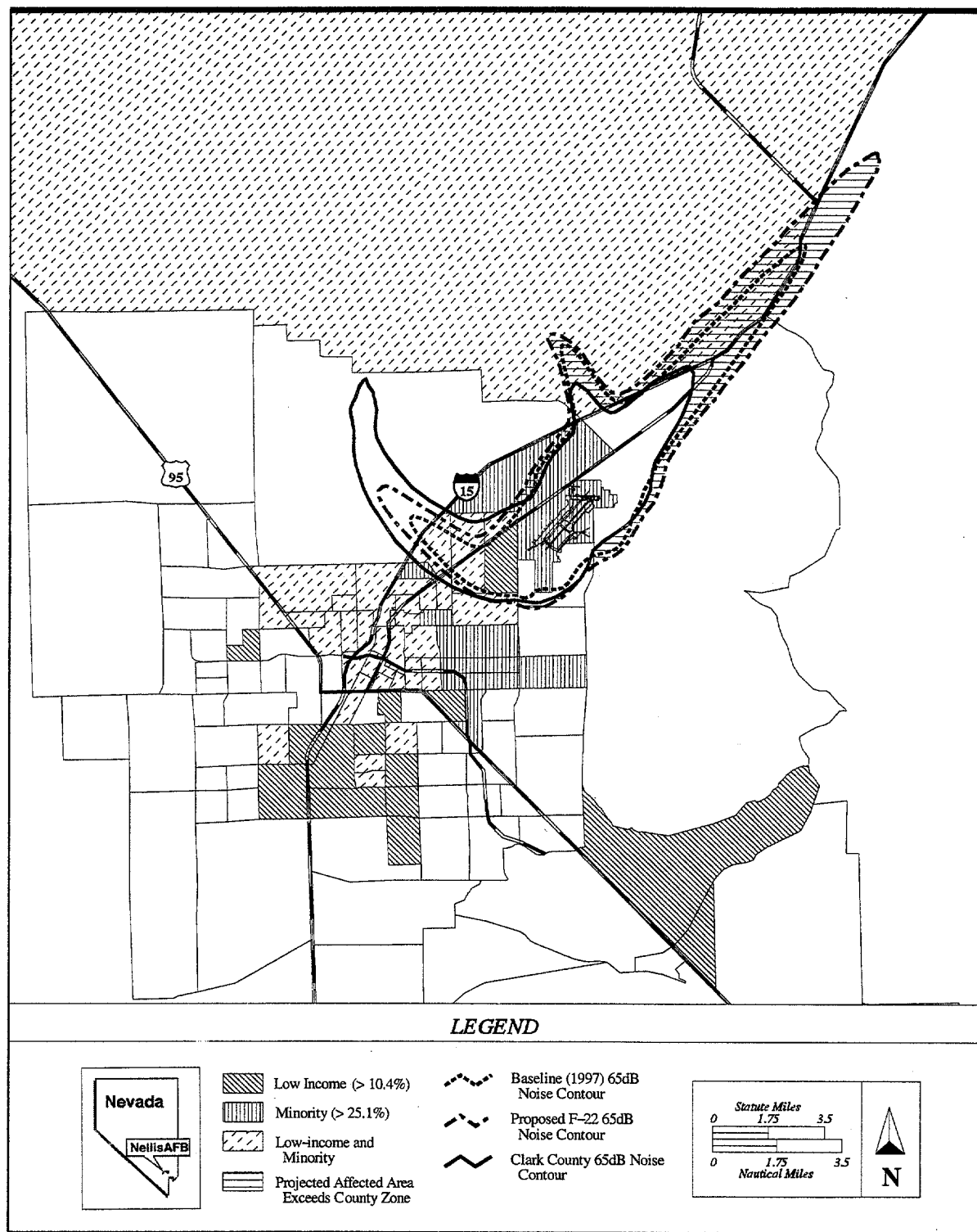


Figure 4.12-1. Proposed Noise Contours and Low-Income and Minority Census Tracts

/net/palau/ohu/22/plots/figures/noisefigs9.xml

05/18/99

**Table 4.12-2. Minority Populations in Areas
with Noise of 65 DNL or Greater**

<i>DNL</i>	<i>Clark County Zoning Minority Population</i>	<i>Baseline Minority Population</i>	<i>Projected Minority Population</i>	<i>Projected vs. Baseline Change in Minority</i>
65-70	8,083	4,609	8,552	3,936
70-75	4,745	2,842	2,626	-216
75-80	1,780	22	7	-15
80-85	289	7	21	14
>85	0	0	0	0
TOTAL	14,897	7,480	11,199	3,719

**Table 4.12-3. Low-Income Populations in Areas
with Noise of 65 DNL or Greater**

<i>DNL</i>	<i>Clark County Zoning Low-Income Population</i>	<i>Baseline Low-Income Population</i>	<i>Projected Low- Income Population</i>	<i>Projected vs. Baseline Change in Low-Income</i>
65-70	3,171	2,195	4,125	1,930
70-75	1,774	1,011	1,746	735
75-80	720	9	3	-6
80-85	127	3	9	6
>85	0	0	0	0
TOTAL	5,792	3,218	5,883	2,665

MANAGEMENT ACTIONS TO REDUCE POTENTIAL EFFECTS: Zoning regulations currently require all residential construction within areas affected by noise levels of 65 DNL or greater to include noise attenuation features. Noise attenuation from current standard construction practices can reduce indoor noise by 20 dB or more. The Air Force will continue to work with Clark County and other local officials to support enforcement of existing zoning ordinances and to assess the

adequacy of noise abatement measures. If changes are found to be needed to address noise conditions, the Air Force will assist local officials who seek to establish or modify noise attenuation measures. The Air Force will also continue to employ aircraft noise abatement procedures that will apply to the F-22 aircraft around the base, including expedited climb-outs for all aircraft and restrictions on the time and direction of flight activities. In addition, Nellis AFB proposes to expand their community interaction program to provide more emphasis on minority and low-income populations around the base. This effort would aid these segments of the community in understanding the function and importance of Nellis AFB, as well as provide a focused opportunity for minority and low-income populations to work with the base on issues concerning them.

NELLIS RANGE COMPLEX

The Proposed Action's only effect that could have an adverse impact on minority and low-income populations is noise levels of 65 DNL or greater. No change would occur to subsonic noise levels under the Proposed Action. A 1 to 3 CDNL increase would occur due to supersonic operations in the Elgin and Coyote Military Operations Areas, but the combined subsonic and supersonic noise level would still be less than 65 DNL (see Table 4.2-9). Although Elgin has been identified as a low-income area, Coyote overlies neither low-income nor minority tracts. No disproportionate increase in noise over low-income or minority tracts would occur under the Proposed Action.

AMERICAN INDIAN RESERVATIONS

No American Indian reservations directly underlie airspace affected by the Proposed Action. There would be no disproportionate impacts to American Indian populations.

LIST OF ACRONYMS AND ABBREVIATIONS

ACC	Air Combat Command	MAILS	Multiple Aircraft Instantaneous Line Source
ACEC	Areas of Critical Environmental Concern	mm	Millimeter
AFB	Air Force Base	MLWA	Military Lands Withdrawal Act
AFI	Air Force Instruction	MOA	Military Operations Area
AFY	Acre-feet per year	MOU	Memorandum of Understanding
AGE	Aerospace Ground Equipment	MR_NMAP	MOA-Route NOISEMAP
AGL	Above ground level	MSL	Mean sea level
AICUZ	Air Installation Compatible Use Zone	MTR	Military training route
Air Force	U.S. Air Force	NAAQS	National Ambient Air Quality Standards
APZ	Accident Potential Zone	NAFR	Nellis Air Force Range
ASM	Aircraft Structural Maintenance	NAIP	Native American Interaction Program
ATCAA	Air Traffic Control Assigned Airspace	NDEP	Nevada Division of Environmental Protection
AWACS	Airborne Warning and Control System	NDOW	Nevada Division of Wildlife
BASH	Bird-Aircraft Strike Hazard	NEPA	National Environmental Policy Act
BLM	Bureau of Land Management	NM	Nautical mile
BNA	Block numbering area	NO _x	Nitrogen oxide
CDNL	C-Weighted Day-Night Sound Level	NOI	Notice of Intent
CEQ	Council on Environmental Quality	NPDES	National Pollutant Discharge Elimination System
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act	NRC	Nellis Range Complex
CFR	Code of Federal Regulations	NRHP	National Register of Historic Places
CGTO	Consolidated Group of Tribes and Organizations	NTS	Nevada Test Site
CO	Carbon monoxide	NWHR	Nevada Wild Horse Range
CY	Calendar year	NWR	National Wildlife Refuge
dB	Decibel	OT&E	Operational Test and Evaluation
DNL	Day-Night Average Sound Level	Pb	Lead
DNWR	Desert National Wildlife Refuge	PCB	Polychlorinated Biphenyls
DoD	Department of Defense	PLO	Public Land Order
DoE	Department of Energy	PM ₁₀	Particulate matter equal to or less than 10 microns in diameter
DoI	Department of the Interior	ppm	Parts per million
EC	Electronic combat	PSD	Prevention of Significant Deterioration
ECE	Electronic Combat East	psf	Pounds per square foot
ECR	Electronic combat ranges	RCRA	Resource Conservation and Recovery Act
ECS	Electronic Combat South	RFMDS	Red Flag Measurement and Debriefing System
ECW	Electronic Combat West	RMP	Resource Management Plan
EIAP	Environmental impact analysis process	ROC	Region of Comparison
EIS	Environmental Impact Statement	ROD	Record of Decision
EPA	Environmental Protection Agency	ROI	Region of Influence
ERIS	Economic Resource Impact Statement	SEL	Sound exposure level
FAA	Federal Aviation Administration	SHPO	State Historic Preservation Officer
FDE	Force Development Evaluation	SIP	State Implementation Plan
FICON	Federal Interagency Committee on Noise	SO ₂	Sulfur dioxide
FLPMA	Federal Land Policy and Management Act	SO _x	Sulfur oxide
FY	Fiscal year	TPECR	Tolicha Peak Electronic Combat Range
GPS	Global Positioning System	TSP	Total Suspended Partical
HAZMAT	Hazardous materials	TTR	Tonopah Test Range
HQ ACC	Headquarters Air Combat Command	U.S.C.	United States Code
HUD	Department of Housing and Urban Development	U.S.	United States
I-15	Interstate 15	USFWS	U.S. Fish and Wildlife Service
IICEP	Intergovernmental/Interagency Coordination of Environmental Planning	USGS	United States Geological Survey
IOT&E	Initial Operational Test and Evaluation	V/C	Volume to capacity
IR	Instrument route	vmt	Vehicle miles traveled
JDAM	Joint Direct Attack Munitions	VOC	Volatile organic compound
KCAS	Knots Calibrated Airspeed	VR	Visual route
L	Sound level	VRM	Visual resources management
Ldnmr	Onset-Rate Adjusted Monthly Day-Night Average Sound Level	WHMA	Wild Horse Management Area
LEIS	Legislative Environmental Impact Statement	WS	Weapons School
LLW	Low-level nuclear waste	WSA	Wilderness Study Area
Lmax	Maximum sound level		
LOLA	Live ordnance loading area		
LOS	Level of Service		